
STATUTORY INSTRUMENTS

1996 No. 1320

The Road Traffic Offenders (Northern Ireland) Order 1996

PART IV

FIXED PENALTIES

Giving notices to suspected offenders

Notices on-the-spot ^{F1}etc.]

60.—(1) This Article applies where on any occasion a constable in uniform ^{F2}, or a vehicle examiner who produces his authority,] has reason to believe that a person he finds is committing or has on that occasion committed a fixed penalty offence.

(2) Subject to ^{F3}the following provisions of this Article], the constable ^{F4}or vehicle examiner] may give him a fixed penalty notice in respect of the offence.

(3) Where the offence appears to the constable ^{F5}or vehicle examiner] to involve obligatory endorsement ^{F6}, and the person is the holder of a licence], the constable ^{F5}or vehicle examiner] may only give him a fixed penalty notice under paragraph (2) in respect of the offence if—

- (a) he produces his licence and its counterpart for inspection by the constable ^{F5}or vehicle examiner],
- (b) the constable ^{F5}or vehicle examiner] is satisfied, on inspecting the licence and its counterpart, that he would not be liable to be disqualified under Article 40 if he were convicted of that offence, and
- (c) he surrenders his licence and its counterpart to the constable ^{F5}or vehicle examiner] to be retained and dealt with in accordance with this Part.

(4) Where—

- (a) the offence appears to the constable ^{F7}or vehicle examiner] to involve obligatory endorsement,

^{F8}(aa) the person concerned is the holder of a licence, and]

- (b) ^{F9}he] does not produce his licence and its counterpart for inspection by the constable ^{F7}or vehicle examiner],

the constable ^{F7}or vehicle examiner] may give him a notice stating that if ^{F10}he delivers] the notice together with his licence and its counterpart in ^{F11}accordance with paragraph (4A) and the requirements of paragraph (5)(a) and (b) are met he will then be given a fixed penalty notice in respect of the offence.

^{F12}(4A) Delivery must—

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Changes to legislation: The Road Traffic Offenders (Northern Ireland) Order 1996, Cross Heading: Giving notices to suspected offenders is up to date with all changes known to be in force on or before 09 July 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. (See end of Document for details)

- (a) if the notice is given by a constable, be made in person, within 7 days after the notice is given, to a constable or authorised person at the police station specified in the notice (being a police station chosen by the person concerned), or
 - (b) if the notice is given by a vehicle examiner, be made (either by post or in person), within 14 days after the notice is given, to the Department at the place specified in the notice.]
- (5) If a person to whom a notice has been given under paragraph (4) [^{F13}delivers] the notice together with his licence and its counterpart in [^{F14}accordance with paragraph (4A)] and the following requirements are met, that is—
- (a) the [^{F15}person to whom the notice under paragraph (4) is delivered] is satisfied, on inspecting the licence and its counterpart, that he would not be liable to be disqualified under Article 40 if he were convicted of the offence, and
 - (b) ^{F16}. . . his licence and its counterpart [^{F17}are delivered] to be retained and dealt with in accordance with this Part,

the [^{F18}person to whom the notice under paragraph (4) is delivered] must give him a fixed penalty notice in respect of the offence to which the notice under paragraph (4) relates.

[^{F19}(5A) Where the offence appears to the constable or vehicle examiner to involve obligatory endorsement, and the person is not the holder of a licence, the constable or vehicle examiner may only give him a fixed penalty notice under paragraph (2) in respect of the offence if the constable or vehicle examiner is satisfied, on accessing information held on his driving record, that he would not be liable to be disqualified under Article 40 if he were convicted of that offence.

(5B) Paragraph (5C) applies where—

- (a) the offence appears to the constable or vehicle examiner to involve obligatory endorsement,
- (b) the person concerned is not the holder of a licence, and
- (c) the constable or vehicle examiner is unable to satisfy himself, by accessing information held on his driving record, that he would not be liable to be disqualified under Article 40 if he were convicted of that offence.

(5C) Where this paragraph applies, the constable or vehicle examiner may give the person a notice stating that if—

- (a) he delivers the notice in accordance with paragraph (5D), and
- (b) the person to whom it is delivered is satisfied, on accessing information held on his driving record, that he would not be liable to be disqualified under Article 40 if he were convicted of the offence,

he will then be given a fixed penalty in respect of the offence.

(5D) Delivery must—

- (a) if the notice is given by a constable, be made in person, within 7 days after the notice is given, to a constable or authorised person at the police station specified in the notice (being a police station chosen by the person concerned), or
- (b) if the notice is given by a vehicle examiner, be made (either by post or in person), within 14 days after the notice is given, to the Department, at the place specified in the notice.

(5E) If a person to whom a notice has been given under paragraph (5C) delivers the notice in accordance with paragraph (5D), and the person to whom it is delivered is satisfied, on accessing information held on his driving record, that he would not be liable to be disqualified under Article 40 if he were convicted of the offence, that person must give him a fixed penalty notice in respect of the offence to which the notice under paragraph (5C) relates.]

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(6) A notice under paragraph (4) [^{F20}or (5C)] shall 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.

(7) A licence and a counterpart of a licence surrendered [^{F21}or delivered] in accordance with this Article must be sent to the fixed penalty clerk [^{F22}if the fixed penalty notice was given by a constable or authorised person].

(8) In this Part “authorised person”, in relation to a fixed penalty notice given at a police station, means a person authorised for the purposes of this Article by or on behalf of the Chief Constable.

(9) In determining for the purposes of [^{F23}this Article] whether a person convicted of an offence would be liable to disqualification under Article 40, 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.

- F1** Words in art. 60 heading substituted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 16, **Sch. 2 para. 4(a)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F2** Words in art. 60(1) inserted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 16, **Sch. 2 para. 4(b)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F3** Words in art. 60(2) 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. 13(a)**; S.R. 2010/370, **art. 2(2)**, Sch. Pt. II
- F4** Words in art. 60(2) inserted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 16, **Sch. 2 para. 4(c)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F5** Words in art. 60(3) inserted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 16, **Sch. 2 para. 4(d)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F6** Words in art. 60(3) inserted (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. 13(b)**; S.R. 2010/370, **art. 2(2)**, Sch. Pt. II
- F7** Words in art. 60(4) inserted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 16, **Sch. 2 para. 4(e)(i)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F8** Art. 60(4)(aa) substituted (14.12.2010) for the word "and" at the end of sub-paragraph (a) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 39(6), **Sch. 4 para. 13(c)(i)**; S.R. 2010/370, **art. 2(2)**, Sch. Pt. II
- F9** Word in art. 60(4)(b) 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. 13(c)(ii)**; S.R. 2010/370, **art. 2(2)**, Sch. Pt. II
- F10** Words in art. 60(4) substituted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 16, **Sch. 2 para. 4(e)(ii)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F11** Words in art. 60(4) substituted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 16, **Sch. 2 para. 4(e)(iii)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F12** Art. 60(4A) inserted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 16, **Sch. 2 para. 4(f)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F13** Word in art. 60(5) substituted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 16, **Sch. 2 para. 4(g)(i)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F14** Words in art. 60(5) substituted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 16, **Sch. 2 para. 4(g)(ii)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F15** Words in art. 60(5)(a) substituted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 16, **Sch. 2 para. 4(g)(iii)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F16** Words in art. 60(5)(b) repealed (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 16, 86(2), Sch. 2 para. 4(g)(iv), **Sch. 8 Pt. III**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F17** Words in art. 60(5)(b) substituted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 16, **Sch. 2 para. 4(g)(v)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F18** Words in art. 60(5) substituted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 16, **Sch. 2 para. 4(g)(iii)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1

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- F19** Art. 60(5A)-(5E) inserted (14.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), **39(4)**; S.R. 2010/370, **art. 2(2)**, Sch. Pt. II
- F20** Words in art. 60(6) inserted (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. 13(d)**; S.R. 2010/370, **art. 2(2)**, Sch. Pt. II
- F21** Words in art. 60(7) inserted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 16, **Sch. 2 para. 4(h)(i)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. I
- F22** Words in art. 60(7) inserted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 39(6), **Sch. 2 para. 4(h)(ii)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. I
- F23** Words in art. 60(9) 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. 13(e)**; S.R. 2010/370, **art. 2(2)**, Sch. Pt. II

Modifications etc. (not altering text)

- C1** Art. 60 extended by 2003 (c. 6), Sch. 2A para. 1 (as inserted (22.4.2007 for specified purposes otherwise prosp.) by Policing (Miscellaneous Provisions) (Northern Ireland) Order 2007 (S.I. 2007/912 (N.I. 6)), arts. 1(2)(d)(3), 7(8), **Sch. 5**)

Effect of fixed penalty notice given under Article 60

61.—(1) This Article applies where a fixed penalty notice relating to an offence has been given to any person under Article 60, and references in this Article to the recipient are to the person to whom the notice was given.

(2) No proceedings shall be brought against the recipient for the offence to which the fixed penalty notice relates unless before the end of the suspended enforcement period he has given notice requesting a hearing in respect of that offence in the manner specified in the fixed penalty notice.

(3) Where—

- (a) the recipient has not given notice requesting a hearing in respect of the offence to which the fixed penalty notice relates in the manner so specified, and
- (b) the fixed penalty has not been paid in accordance with this Part before the end of the suspended enforcement period,

a sum equal to the fixed penalty plus one-half of the amount of that penalty may be registered under Article 76 for enforcement against the recipient as a fine.

Licence receipts

62.—(1) A [F24 person] to whom a person surrenders [F25 or delivers] his licence and its counterpart on receiving a fixed penalty notice given to him under Article 60 must issue a receipt for the licence and its counterpart under this Article.

(2) [F26 Where the duty in Article 60(7) applies, the] fixed penalty clerk may, on the application of a person who has surrendered [F27 or delivered] his licence and its counterpart in those circumstances, issue a new receipt for them.

(3) A receipt issued under this Article ceases to have effect—

- (a) if issued [F28 under paragraph (1)], on the expiration of the period of one month beginning with the date of issue or such longer period as may be prescribed, and
- (b) if issued [F29 under paragraph (2)], on such date as he may specify in the receipt,

or, if earlier, on the return of the licence and its counterpart to the licence holder.

- F24** Words in art. 62(1) substituted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(5), 16, **Sch. 2 para. 5(a)(i)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. I

- F25** Words in art. 62(1) inserted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(5), 16, **Sch. 2 para. 5(a)(ii)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F26** Word in art. 62(2) substituted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(5), 16, **Sch. 2 para. 5(b)(i)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F27** Words in art. 62(2) inserted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(5), 16, **Sch. 2 para. 5(b)(ii)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F28** Words in art. 62(3)(a) substituted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(5), 16, **Sch. 2 para. 5(c)(i)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F29** Words in art. 62(3)(b) substituted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(5), 16, **Sch. 2 para. 5(c)(ii)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1

Endorsement of [^{F30}counterparts] without hearings

63.—(1) Subject to paragraph (2), where a person [^{F31}who is the holder of a licence] (referred to in this Article as “the licence holder”) [^{F32}has been given a fixed penalty notice under Article 60 in respect of an offence involving obligatory endorsement,] the counterpart of his licence may be endorsed in accordance with this Article without any order of a court.

(2) The counterpart of a person's licence may not be endorsed under this Article if at the end of the suspended enforcement period—

- (a) he has given notice, in the manner specified in the fixed penalty notice, requesting a hearing in respect of the offence to which the fixed penalty notice relates, and
- (b) the fixed penalty has not been paid in accordance with this Part.

(3) On the payment of the fixed penalty before the end of the suspended enforcement period, the [^{F33}person to whom it is paid] must endorse the relevant particulars on the counterpart of the licence and return it together with the licence to the licence holder.

(4) Where any sum determined by reference to the fixed penalty is registered under Article 76 for enforcement against the licence holder as a fine, the [^{F34}person to whom the fixed penalty is required to be paid] must, on the registration of that sum, endorse the relevant particulars on the counterpart of the licence and return it together with the licence to the licence holder.

(5) References in this Article to the relevant particulars are to—

- (a) particulars of the offence, including the date when it was committed, and
- (b) the number of penalty points to be attributed to the offence.

(6) [^{F35}Where the endorsement of] the counterpart of a person's licence under this Article [^{F36}is made by the fixed penalty clerk] the fixed penalty clerk must send notice of the endorsement and of the particulars endorsed to the Department.

[^{F37}(7) Paragraphs (3) and (4) are subject to Article 4(4)(a) of, and paragraph 7(4)(a) of Schedule 1 to, the Road Traffic (New Drivers) (Northern Ireland) Order 1998; and the fixed penalty clerk need not comply with paragraph (6) in a case where he sends a person's licence and its counterpart to the Department under Article 4(4)(b) of, or paragraph 7(4)(b) of Schedule 1 to, that Order.]

- F30** Word in art. 63 heading 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. 14(a)**; S.R. 2010/370, **art. 2(2)**, Sch. Pt. II
- F31** Words in art. 63(1) inserted (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. 14(b)**; S.R. 2010/370, **art. 2(2)**, Sch. Pt. II
- F32** Words in art. 63(1) substituted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 16, **Sch. 2 para. 6(a)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F33** Words in art. 63(3) substituted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 16, **Sch. 2 para. 6(b)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1

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- F34** Words in art. 63(4) substituted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 16, **Sch. 2 para. 6(c)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F35** Words in art. 63(6) substituted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 16, **Sch. 2 para. 6(d)(i)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F36** Words in art. 63(6) inserted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 16, **Sch. 2 para. 6(d)(ii)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F37** 1998 NI 7

[^{F38}E Endorsement of driving records without hearings

63A.—(1) Subject to paragraph (2), where a person who is not the holder of a licence has been given a fixed penalty notice under Article 60 in respect of an offence involving obligatory endorsement, his driving record may be endorsed in accordance with this Article without any order of a court.

(2) A person's driving record may not be endorsed under this Article if at the end of the suspended enforcement period—

- (a) he has given notice, in the manner specified in the fixed penalty notice, requesting a hearing in respect of the offence to which the fixed penalty notice relates, and
- (b) the fixed penalty has not been paid in accordance with this Part.

(3) If payment of the fixed penalty is made before the end of the suspended enforcement period and the person to whom the payment is made is the fixed penalty clerk, the fixed penalty clerk must send to the Department notice of the relevant particulars which are to be endorsed on the person's driving record.

(4) Where any sum determined by reference to the fixed penalty is registered under Article 76 for enforcement against the person as a fine in a case where the fixed penalty is required to be paid to the fixed penalty clerk, the fixed penalty clerk must, on the registration of that sum, send to the Department notice of the relevant particulars which are to be endorsed on the person's driving record.

(5) The Department must endorse the relevant particulars on the person's driving record if—

- (a) it receives notice of them under paragraph (3) or (4),
- (b) the fixed penalty is paid to it before the end of the suspended enforcement period, or
- (c) in a case where the fixed penalty is required to be paid to the Department, any sum determined by reference to the fixed penalty is registered under Article 76 for enforcement against the person as a fine.

(6) References in this Article to the relevant particulars are to—

- (a) particulars of the offence, including the date when it was committed, and
- (b) the number of penalty points to be attributed to the offence.]

- F38** Art. 63A inserted (14.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), **39(5)**; S.R. 2010/370, **art. 2(2)**, Sch. Pt. II

Effect of endorsement [^{F39}of counterpart] without hearing

64.—(1) Where the counterpart of a person's licence is endorsed under Article 63 he shall be treated for the purposes of Articles 16(4), 30, 31 and 50 of this Order and of the Rehabilitation of Offenders (Northern Ireland) Order 1978 as if—

- (a) he had been convicted of the offence,

- (b) the endorsement had been made in pursuance of an order made on his conviction by a court under Article 49, and
 - (c) the particulars of the offence endorsed by virtue of Article 63(5)(a) were particulars of his conviction of that offence.
- (2) In relation to any endorsement of the counterpart of a person's licence under Article 63—
- (a) the reference in Article 50(3) to the order for endorsement, and
 - (b) the references in Article 16(4) to any order made on a person's conviction,
- are to be read as a reference to the endorsement itself.

F39 Words in art. 64 heading inserted (14.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(5), 39(6), Sch. 4 para. 15; S.R. 2010/370, art. 2(2), Sch. Pt. II

[^{F40}Effect of endorsement of driving record without hearing

64A.—(1) Where a person's driving record is endorsed under Article 63A he shall be treated for the purposes of Articles 16(4), 30, 31 and 50A of this Order and of the Rehabilitation of Offenders (Northern Ireland) Order 1978 as if—

- (a) he had been convicted of the offence,
- (b) the endorsement had been made in pursuance of an order made on his conviction by a court under Article 49, and
- (c) the particulars of the offence endorsed by virtue of Article 63A(6)(a) were particulars of his conviction of that offence.

(2) In relation to any endorsement of a person's driving record under Article 63A, the references in Article 16(4) to any order made on a person's conviction are to be read as references to the endorsement itself.]

F40 Art. 64A inserted (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. 16; S.R. 2010/370, art. 2(2), Sch. Pt. II

Notification of court and date of trial

65.—(1) On an occasion when a person is given a fixed penalty notice under Article 60 in respect of an offence, he may be given written notification specifying the court of summary jurisdiction by which and the date on which the offence will be tried if he gives notice requesting a hearing in respect of the offence as permitted by the fixed penalty notice.

- (2) Subject to paragraphs (4) and (5), where—
- (a) a person has been notified in accordance with this Article of the court and date of trial of an offence in respect of which he has been given a fixed penalty notice, and
 - (b) he has given notice requesting a hearing in respect of the offence as permitted by the fixed penalty notice,

the provisions of the Magistrates' Courts (Northern Ireland) Order 1981 shall apply as mentioned in paragraph (3).

(3) Those provisions are to have effect for the purpose of any proceedings in respect of that offence as if—

- (a) the allegation in the fixed penalty notice with respect to that offence were a complaint duly made in accordance with Article 20 of that Order, and

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(b) the notification of the court and date of trial were a summons duly issued on that complaint by a justice of the peace of the county court division in which the court of summary jurisdiction notified as the court of trial is situated, requiring the person notified to appear before that court to answer to that complaint and duly served on him on the date on which the notification was given.

(4) If, in a case within paragraph (2), notice is served by or on behalf of the Chief Constable on the person who gave notice requesting a hearing stating that no proceedings are to be brought in respect of the offence concerned, that paragraph does not apply and no such proceedings are to be brought against the person who gave notice requesting a hearing.

(5) Article 25A of that Order (proceedings invalid where accused did not know of them) is not applied by paragraph (2) in a case where a person has been notified in accordance with this Article of the court and date of trial of an offence.

Fixed penalty notice mistakenly given ^{F41}to licence holder]: exclusion of fixed penalty procedures

66.—(1) This Article applies where, on inspection of a licence and its counterpart ^{F42}surrendered or delivered under Article 60], it appears to the fixed penalty clerk ^{F43}or the Department] that the person whose licence it is would be liable to be disqualified under Article 40 if he were convicted of the offence in respect of which the fixed penalty notice was given.

(2) The ^{F44}. . . counterpart of the licence ^{F45}must not be endorsed] under Article 63 but ^{F46}if it was sent to the fixed penalty clerk he] must instead send it together with the licence to the Chief Constable.

(3) Nothing in this Part prevents proceedings being brought in respect of the offence in respect of which the fixed penalty notice was given where those proceedings are commenced before the end of the period of 6 months beginning with the date on which that notice was given.

(4) Where proceedings in respect of that offence are commenced before the end of that period, the case is from then on to be treated in all respects as if no fixed penalty notice had been given in respect of the offence.

(5) Accordingly, where proceedings in respect of that offence are so commenced, any action taken in pursuance of any provision of this Part by reference to that fixed penalty notice shall be void (including, but without prejudice to the generality of the preceding provision—

- (a) the registration under Article 76 of any sum, determined by reference to the fixed penalty for that offence, for enforcement against the person whose licence it is as a fine, and
- (b) any proceedings for enforcing payment of any such sum within the meaning of Articles 78 and 79 (defined in Article 79(5))).

(6) In determining for the purposes of paragraph (1) whether a person convicted of an offence would be liable to disqualification under Article 40, 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.

F41 Words in art. 66 heading inserted (14.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(5), 39(6), **Sch. 4 para. 17**; S.R. 2010/370, **art. 2(2)**, Sch. Pt. II

F42 Words in art. 66(1) substituted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(5), 16, **Sch. 2 para. 7(a)(i)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. I

F43 Words in art. 66(1) inserted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(5), 16, **Sch. 2 para. 7(a)(ii)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. I

- F44** Words in art. 66(2) repealed (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(5), 16, 86(2), Sch. 2 para. 7(b)(i), **Sch. 8 Pt. III**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F45** Words in art. 66(2) inserted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(5), 16, **Sch. 2 para. 7(b)(ii)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F46** Words in art. 66(2) inserted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(5), 16, **Sch. 2 para. 7(b)(iii)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1

[^{F47} **Fixed penalty notice mistakenly given to unlicensed person: exclusion of fixed penalty procedures**

66A.—(1) This Article applies where, on accessing information held on the driving record of a person to whom a fixed penalty notice was given under Article 60, but who is not the holder of a licence, it appears to the fixed penalty clerk or the Department that the person would be liable to be disqualified under Article 40 if he were convicted of the offence in respect of which the fixed penalty notice was given.

(2) The person's driving record must not be endorsed under Article 63A.

(3) In a case where the fixed penalty is required to be paid to the fixed penalty clerk he must not send notice to the Department under Article 63A but instead must notify the Chief Constable that the person to whom the fixed penalty notice was given would be liable to be disqualified under Article 40 if he were convicted of the offence in respect of which the fixed penalty notice was given .

(4) Nothing in this Part prevents proceedings being brought in respect of the offence in respect of which the fixed penalty notice was given where those proceedings are commenced before the end of the period of 6 months beginning with the date on which that notice was given.

(5) Where proceedings in respect of that offence are commenced before the end of that period, the case is from then on to be treated in all respects as if no fixed penalty notice had been given in respect of the offence.

(6) Accordingly, where proceedings in respect of that offence are so commenced, any action taken in pursuance of this Part by reference to that fixed penalty notice shall be void (including, but without prejudice to the generality of the preceding provision—

- (a) the registration under Article 76 of any sum, determined by reference to the fixed penalty for that offence, for enforcement against the person to whom the fixed penalty notice was given, and
- (b) any proceedings for enforcing payment of any such sum within the meaning of Articles 78 and 79 (defined in Article 79(5)).

(7) In determining for the purposes of paragraph (1) whether a person convicted of an offence would be liable to disqualification under Article 40, 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.]

- F47** Art. 66A inserted (14.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(5), 39(6), **Sch. 4 para. 18**; S.R. 2010/370, **art. 2(2)**, Sch. Pt. II

Status:

Point in time view as at 31/10/2014.

Changes to legislation:

The Road Traffic Offenders (Northern Ireland) Order 1996, Cross Heading: Giving notices to suspected offenders is up to date with all changes known to be in force on or before 09 July 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.