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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**

*Miscellaneous*

**Powers of court where clerk deceived**

**87.**—(1) This Article applies where—

- (a) in endorsing the counterpart of any person's licence under Article 63, the fixed penalty clerk is deceived as to whether endorsement under that Article is excluded by Article 66(2) by virtue of the fact that the licence holder would be liable to be disqualified under Article 40 if he were convicted of the offence; or
- (b) in endorsing the counterpart of any person's licence under Article 82 the fixed penalty clerk is deceived as to whether he is required by Article 81(4) to return the licence and its counterpart without endorsing the counterpart by virtue of the fact that the licence holder would be liable to be disqualified under Article 40 if he were convicted of the offence.

(2) If—

- (a) the deception constituted or was due to an offence committed by the licence holder, and
- (b) the licence holder is convicted of that offence,

the court by or before which he is convicted shall have the same powers and duties as it would have had if he had also been convicted by or before it of the offence of which particulars were endorsed under Article 63 or, as the case may be, Article 82.

**Regulations for the purposes of this Part**

**88.**—(1) Except as otherwise provided by paragraph (2), the Department may by regulations make provision as to any matter incidental to the operation of this Part, and in particular—

- (a) for prescribing any information or further information to be provided in any notice, notification, certificate or receipt under Article 58(1), 60(4), 62, 65(1), 68(2), 75(2), 78(4) (b) or 80(1), or in any official form for a statutory statement mentioned in Schedule 2, or a statement under Article 71(2); and
- (b) for requiring any such official form to be served with any notice served under Article 68 or 78(4).

(2) The Lord Chancellor may by regulations prescribe the information to be supplied to the clerk of petty sessions or the fixed penalty clerk in connection with the performance of his duties under this Part.

### **Service of documents**

**89.** Subject to any requirement of this Part with respect to the manner in which a person may be provided with a document for the purposes of this Part, section 24 of the Interpretation Act (Northern Ireland) 1954 shall apply in relation to the service of such a document as if in subsection (1) of that section the word “registering” were omitted.

### **Functions of traffic wardens**

**90.—**(1) For the purposes of Article 118 of the Order of 1981, neither the Chief Constable nor an order under paragraph (1) of that Article may authorise the employment of a traffic warden to discharge any function under this Part in respect of an offence if the offence appears to the traffic warden to be an offence involving obligatory endorsement, unless that offence was committed whilst the vehicle concerned was stationary.

(2) In so far as the Chief Constable or an order under that Article authorises the employment of traffic wardens for the purposes of this Part, references in this Part to a constable or, as the case may be, to a constable in uniform include a traffic warden.

### **Procedure for making regulations and orders under this Part**

**91.—**(1) Before making—

- (a) an order under Article 57 or 59, or
- (b) regulations under Article 88(1),

the Department must consult with such representative organisations as it thinks fit.

(2) Subject to paragraph (3), an order or regulations under any provision of this Part shall be subject to negative resolution.

(3) Regulations made under Article 76(4) or 88(2) shall be subject to annulment in pursuance of a resolution of either House of Parliament and section 5 of the Statutory Instruments Act 1946 shall apply accordingly.