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*Status: Point in time view as at 31/12/2020.*

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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

*Proceedings in fixed penalty cases*

#### General restriction on proceedings **N.I.**

**83.**—(1) Proceedings shall not be brought against any person for the offence to which a fixed penalty notice relates until the end of the suspended enforcement period.

(2) Proceedings shall not be brought against any person for the offence to which a fixed penalty notice relates if the fixed penalty is paid in accordance with this Part before the end of the suspended enforcement period.

#### Statements by constables **N.I.**

**84.**—(1) In any proceedings a certificate that a copy of a statement by a constable [<sup>F1</sup>or vehicle examiner] with respect to the alleged offence (referred to in this Article as a “ [<sup>F2</sup>relevant] witness statement”) was included in or given with a fixed penalty notice or a notice under Article 60(3) given to the accused on a date specified in the certificate shall, if the certificate purports to be signed by the <sup>F3</sup> . . . person who gave the accused the notice, be evidence of service of a copy of that statement by delivery to the accused on that date.

(2) In any proceedings a certificate that a copy of a [<sup>F4</sup>relevant] witness statement was included in or served with a notice to owner served on the accused in the manner and on a date specified in the certificate shall, if the certificate purports to be signed by any person employed by the [<sup>F5</sup> Policing Board] [<sup>F6</sup>or on behalf of the Department], be evidence of service in the manner and on the date so specified both of a copy of that statement and of the notice to owner.

(3) Any address specified in any such certificate as is mentioned in paragraph (2) as being the address at which service of the notice to owner was effected shall be taken for the purposes of any proceedings in which the certificate is tendered in evidence to be the accused's proper address, unless the contrary is proved.

(4) Where a copy of a [<sup>F7</sup>relevant] witness statement is included in or served with a notice to owner served in any manner in which the notice is authorised to be served under this Part, the statement shall be treated as duly served for the purposes of section 1 of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 (proof by written statement) notwithstanding that the manner of service is not authorised by subsection (8) of that section.

(5) In relation to any proceedings in which service of a [<sup>F8</sup>relevant] witness statement is proved by certificate under this Article—

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- (a) that service shall be taken for the purposes of subsection (2)(c) of that section (copy of statement to be tendered in evidence to be served before hearing on other parties to the proceedings by or on behalf of the party proposing to tender it) to have been effected by or on behalf of the complainant, and
  - (b) subsection (2)(d) of that section (time for objection) shall have effect with the substitution, for the reference to 7 days from the service of the copy of the statement, of a reference to 7 days from the relevant date.
- (6) In paragraph (5)(b) “relevant date” means—
- (a) where the accused gives notice requesting a hearing in respect of the offence in accordance with any provision of this Part, the date on which he gives that notice, and
  - (b) where a notice in respect of the offence was given to the accused under Article 60(4) but no fixed penalty notice is given in respect of it, the last day for [<sup>F9</sup>delivery of the notice].

- F1** Words in art. 84(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. 19(a)(i)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F2** Word in art. 84(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. 19(a)(ii)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F3** Words in art. 84(1) 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. 19(a)(iii), **Sch. 8 Pt. III**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F4** Word in art. 84(2) 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. 19(b)(i)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F5** 2000 c. 32
- F6** Words in art. 84(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. 19(b)(ii)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F7** Word in art. 84(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. 19(c)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F8** Word in art. 84(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. 19(c)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F9** Words in art. 84(6)(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. 19(d)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1

## Certificates about payment **N.I.**

**85.** In any proceedings a certificate—

- (a) that payment of a fixed penalty was or was not received, by a date specified in the certificate, by the [<sup>F10</sup>person to whom it was required to be paid], or
- (b) that a letter containing an amount sent by post in payment of a fixed penalty was marked as posted on a date so specified,

shall, if the certificate purports to be signed by the [<sup>F11</sup>person to whom it was required to be paid], be evidence of the facts stated.

- F10** Words in art. 85(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. 20**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F11** Words in art. 85 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. 20**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1

**Documents signed by the accused** **N.I.**

86.—(1) Where—

- (a) any person is charged with a fixed penalty offence, and
- (b) the complainant produces to the court a document to which this paragraph applies purporting to have been signed by the accused,

the document shall be presumed, unless the contrary is proved, to have been signed by the accused and shall be evidence in the proceedings of any facts stated in it tending to show that the accused was the owner, the hirer or the driver of the vehicle concerned at a particular time.

(2) Paragraph (1) applies to any document purporting to be—

- (a) a notice requesting a hearing in respect of the offence charged given in accordance with a fixed penalty notice relating to that offence, or
- (b) a statutory statement of any description defined in Schedule 2 or a copy of a statement of liability within the meaning of Article 71 provided in response to a notice to owner.

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