

2006 No. 376

ROAD TRAFFIC AND VEHICLES

**The Penalty Charges (Exemption from Criminal Proceedings)
Regulations (Northern Ireland) 2006**

Made - - - - *15th September 2006*

Coming into operation - - *30th October 2006*

The Department for Regional Development in exercise of the powers conferred on it by Article 4(7) of the Traffic Management (Northern Ireland) Order 2005(a) makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as The Penalty Charges (Exemption from Criminal Proceedings) Regulations (Northern Ireland) 2006 and shall come into operation on 30th October 2006.

(2) In these Regulations “off-street parking place” has the same meaning as in the 1997 Order.

Prescribed descriptions of conduct

2.—(1) Subject to paragraph (2) the prescribed descriptions of conduct for the purposes of Article 4(7) of the Traffic Management (Northern Ireland) Order 2005 shall be—

- (a) an offence under Article 4(5), 5(9), 7(9) or 8(3) of the 1997 Order of contravening a prohibition or restriction on the waiting of vehicles in any public road or in any area or the loading or unloading of vehicles; and
- (b) an offence under Article 14(1) of the 1997 Order; and
- (c) an offence under Article 19(1) or (3) of the 1997 Order (certain offences relating to parking places on roads where charges may be made); and
- (d) an offence under Article 59(4) of the 1997 Order (contravention of regulations relating to pedestrian or other crossings); and
- (e) an offence under any statutory provision of contravening a prohibition or restriction on the use of a stand or starting place for taxis or taxis of a particular description by a vehicle which is not a taxi or not a taxi of that description (“taxi” meaning a public service vehicle within the meaning of the Road Traffic (Northern Ireland) Order 1981 which seats not more than eight passengers or such number less than eight as applies for the purposes of the prohibition or restriction).

(2) Paragraph (1) shall not apply to—

- (a) an offence under Article 4(5), 5(9), 7(9) or 8(3) of the 1997 Order where a person contravenes a prohibition or restriction by causing or permitting a vehicle to wait—

(a) S.I. 2005/1964 (N.I. 14); see Article 2(2) for the definition of “prescribed”

- (i) in such a position as to obstruct access to any premises; or
 - (ii) (unless the prohibition or restriction is indicated by a traffic sign) in a public road within 15 metres of its junction with any other road.
- (b) an offence under Article 14(1) of the 1997 Order where the contravention involves a vehicle and where a person uses any vehicle in an off-street parking place for any of the following purposes, or in the following circumstances:-
- (i) consumption of alcohol; or
 - (ii) sleeping or camping; or
 - (iii) eating or cooking; or
 - (iv) servicing or washing any vehicle or part thereof; or
 - (v) as mentioned in Article 13(14) of the 1997 Order other than in accordance with a licence authorised under that Article of that Order.

Sealed with the Official Seal of the Department for Regional Development on 15th September 2006.

(L.S.)

R. Sherman
A senior officer of the Department for Regional Development

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the road traffic offences which are subject to civil enforcement and are exempt from criminal proceedings for the purposes of Article 4(7) of the Traffic Management (Northern Ireland) Order 2005.

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Dd. N2861. C2. 10/06. Gp. 130. 14567.
£3.00