

STATUTORY RULES OF NORTHERN IRELAND

2012 No. 18

ROAD TRAFFIC AND VEHICLES

**The Road Traffic (Financial Penalty Deposit)
(Appropriate Amount) Order (Northern Ireland) 2012**

Made - - - - *26th January 2012*

Coming into operation *23rd April 2012*

The Department of the Environment makes the following Order in exercise of the powers conferred by Article 91C(2) of the Road Traffic Offenders (Northern Ireland) Order 1996 ^{M1}.

The Department has consulted with such representative organisations as it thinks fit in accordance with Article 91F(1) of that Order.

Marginal Citations

M1 S.I. 1996/1320 (N.I. 10); see Article 2(2) for the definition of “Department”; this definition was inserted by paragraph 15(a) of Schedule 7 to S.I. 2007 No. 916 (N.I. 10), Schedule 7, paragraph 15(a). Part IVA (which includes Articles 91A-91F) is inserted by Article 12 of S.I. 2007/916 (N.I. 10)

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Road Traffic (Financial Penalty Deposit) (Appropriate Amount) Order (Northern Ireland) 2012 and shall come into operation on 23rd April 2012.

(2) In this Order—

“the AETR” means the European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport of 1 July 1970, as amended, as applied by Article 2(3) of the EC Regulation ^{M2};

“Authorised Weight Regulations” means the Motor Vehicles (Authorised Weight) Regulations (Northern Ireland) 1999 ^{M3};

^{F1}
...

“the Construction and Use Regulations” means the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999 ^{M4};

“the Drivers' Hours Regulations” means the Vehicles (Drivers' Hours of Duty) Regulations (Northern Ireland) 1991 ^{M5};

“the EC Regulation” means Regulation (EC) No. 561/2006 of the European Parliament and of the Council^{M6} as amended from time to time;

[^{F2}“the EU Tachographs Regulation” means Regulation (EU) No. 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, as read with the Community Drivers’ Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations (Northern Ireland) 2009;]

“fixed penalty offence” means an offence listed in Schedule 1; and

“graduated fixed penalty offence” means an offence listed in Schedule 2.

Textual Amendments

- F1** Words in Art. 1(2) omitted (31.10.2016) by virtue of [The Passenger and Goods Vehicles \(Tachographs\) \(Amendment\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/343\)](#), **regs. 1(1), 7(2)**
- F2** Words in Art. 1(2) inserted (31.10.2016) by [The Passenger and Goods Vehicles \(Tachographs\) \(Amendment\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/343\)](#), **regs. 1(1), 7(2)**

Marginal Citations

- M2** Cmnd 7401. Amendments are published in Cmnd 8572, Cmnd 9037, Cm 1776, Cm 3042 and Cm 3135. A consolidated version of the Agreement, including all amendments, is available from <http://www.unece.org/trans/doc/2006/sc1/ECE-TRANS-SC1-2006-02e.pdf>.
- M3** S.R. 1999 No. 258
- M4** S.R. 1999 No. 454
- M5** S.R. 1991 No. 144
- M6** O.J. No. L102, 11.04.06, p. 1.

The appropriate amount

- 2.—(1) Subject to paragraph (2), the appropriate amount of a financial penalty deposit shall be—
- in relation to a fixed penalty offence for which a person has been given a fixed penalty notice or handed a conditional offer, the amount indicated in relation to that offence in the third column of Schedule 1;
 - in relation to a graduated fixed penalty offence for which a person has been given a fixed penalty notice or handed a conditional offer, the amount indicated in relation to that offence in Schedule 2, by reference to the circumstances of the offence, those being the nature of the contravention and, where specified, its seriousness; and
 - in relation to an offence for which a person has been given notification that it appears likely that proceedings will be brought against him, £300.
- (2) The appropriate amount shall not, in respect of any single occasion on which more than one financial penalty deposit requirement has been imposed, exceed £900.

Sealed with the Official Seal of the Department of the Environment on 26th January 2012

L.S.

Department of the Environment

Deirdre Kenny
A senior officer of the

SCHEDULE 1

Article 2(1)(a)

Deposits for Fixed Penalty Offences

Table 1

Transport Act (Northern Ireland) 1967 ^{M7}

<i>(1)Provision creating offence</i>	<i>(2)General nature of offence</i>	<i>(3)Deposit</i>
1. Section 4(4)	Using motor vehicle on road except under Road Service licence	£200
2. F3	F3	F3
...

Textual Amendments

F3 Sch. 1 Table 1 Item 2 omitted (31.10.2014) by virtue of [The Road Traffic \(Financial Penalty Deposit\) \(Appropriate Amount\) \(Amendment\) Order \(Northern Ireland\) 2014 \(S.R. 2014/234\)](#), arts. 1, **2(2)**

Marginal Citations

M7 [1967 c.37 \(N.I.\)](#)

Table 2

Road Traffic (Northern Ireland) Order 1981 ^{M8}

<i>(1)Provision creating offence</i>	<i>(2)General nature of offence</i>	<i>(3)Deposit</i>
1. Article 3(1)	Driving otherwise than in accordance with a licence	£30, but £60 in the case where the driving would not have been in accordance with any licence that could have been granted to the driver
2. Article 81(2)	Contravention of requirement of applicable Community rules as to books, records or documents	£200
3. Article 86	Failure to comply with prohibition or direction in relation to driving a vehicle	£200
4. Article 86(1)	Driving a foreign goods or foreign public service vehicle in contravention of a prohibition	£200
5. Article 90(4)	Using a motor vehicle while uninsured or unsecured against third party risks	£200
6. Article 180(1) M9	Failing to stop mechanically propelled vehicle when required	£30

Changes to legislation: There are currently no known outstanding effects for the The Road Traffic (Financial Penalty Deposit) (Appropriate Amount) Order (Northern Ireland) 2012. (See end of Document for details)

Marginal Citations

M8 [S.I. 1981/154 \(N.I. 1\)](#)

M9 Article 180(1) was amended by paragraph 18 of Schedule 3 to [S.I. 1995/2994 \(N.I. 18\)](#)

Table 3

The Roads (Northern Ireland) Order 1993 ^{M10}

<i>(1)Provision creating offence</i>	<i>(2)General nature of offence</i>	<i>(3)Deposit</i>
1. Article 20(4)	Wrongful use of special road	£30, but £60 if committed otherwise than by unlawfully stopping or allowing the vehicle to remain at rest on a part of a special road on which vehicles are in certain circumstances permitted to remain at rest

Marginal Citations

M10 [S.I. 1993/3160 \(N.I. 15\)](#)

Table 4

Vehicle Excise and Registration Act 1994 ^{M11}

<i>(1)Provision creating offence</i>	<i>(2)General nature of offence</i>	<i>(3)Deposit</i>
1. Section 42(1)	Driving or keeping a vehicle without required registration mark	£30
2. Section 43(1)	Driving or keeping a vehicle with registration mark obscured etc.	£30
3. Section 59(1)	Failure to fix prescribed registration mark to a vehicle in accordance with regulations made under section 23(4) of the Act	£30

Marginal Citations

M11 [1994 c.22](#)

Table 5**The Road Traffic (Northern Ireland) Order 1995^{M12}**

(1)Provision creating offence	(2)General nature of offence	(3)Deposit
1. Article 23(3)	Breach of regulations requiring wearing of seat belts	£60
2. Article 24(2) M13	Driving a motor vehicle where a child under the age of 14 years is in the front not wearing a seat belt or with a child in a rear-facing child restraint in the front seat with an active air bag	£60
3. Article 24(5)	Driving a motor vehicle where a child under the age of 14 years is in the rear not wearing a seat belt	£60
4. Article 27(3)	Driving or riding motor cycles in contravention of regulations requiring wearing of protective headgear	£30
5. Article 29(3)	Contravention of regulations with respect to use of head-worn appliances (eye protectors) on motor cycles	£30
6. Article 30(1)	Prohibition of parking of heavy commercial vehicles on verge of a road, land between two carriageways or on a footway	£30
7. Article 32 M14	Leaving vehicle in dangerous position	£60
8. Article 48(1)	Driving mechanically propelled vehicles elsewhere than on roads	£30
9. Article 49(1)	Failing to comply with traffic directions given by a constable in uniform carrying out functions under the Road Traffic Orders	£30, but £60 if committed in respect of a motor vehicle by failure to comply with a direction of a constable or traffic warden
10. Article 49(2)	Failing to comply with traffic directions given by constable in uniform where a traffic survey is being carried out	£60
11. Article 50(1) M15	Failing to comply with traffic signs	£30, but £60 if committed by failure to comply with an indication given by a traffic sign as defined in Article 28 of the Road Traffic Regulation (Northern Ireland) Order 1997 M16

Changes to legislation: There are currently no known outstanding effects for the The Road Traffic (Financial Penalty Deposit) (Appropriate Amount) Order (Northern Ireland) 2012. (See end of Document for details)

12. Article 54	Using, or causing or permitting another to use a motor vehicle or trailer on a road when in dangerous condition	£60
13. Article 56A M17	Breach of requirements as to control of vehicle, mobile telephones or other hand-held interactive communication devices	£60
14. Article 63(1)	Using, or causing or permitting to be used, a motor vehicle without required test certificate being in force	£60
15. Article 80(1)	Driving a vehicle in contravention of prohibition on driving it as being unfit for service, or failing to comply with direction to remove a vehicle found overloaded	£200

Marginal Citations

- M12 [S.I. 1995/2994 \(N.I. 18\)](#)
- M13 Article 24 was amended by regulation 4 of S.R. [2007 No.7](#)
- M14 Article 32 was amended by paragraph 30 of Schedule 3 to [S.I. 1996/1320 \(N.I. 10\)](#)
- M15 Article 50 was substituted by paragraph 19 of Schedule 8 to [S.I. 1997/276 \(N.I. 2\)](#)
- M16 [S.I. 1997/276 \(N.I. 2\)](#)
- M17 Article 56A was inserted by Article 6 of [S.I. 2007/916 \(N.I. 10\)](#)

Table 6

Road Traffic Offenders (Northern Ireland) Order 1996^{M18}

<i>(1)Provision creating offence</i>	<i>(2)General nature of offence</i>	<i>(3)Deposit</i>
1. Article 91E(6)	Driving a vehicle, causing or permitting a vehicle to be driven in contravention of a prohibition on driving on failure to make a financial penalty deposit payment	£200

Marginal Citations

- M18 [S.I. 1996/1320 \(N.I. 10\)](#)

Table 7

The Road Traffic Regulation (Northern Ireland) Order 1997^{M19}

<i>(1)Provision creating offence</i>	<i>(2)General nature of offence</i>	<i>(3)Deposit</i>
1. Article 4(5)	Using a vehicle in contravention of a traffic regulation order	£30

Changes to legislation: There are currently no known outstanding effects for the The Road Traffic (Financial Penalty Deposit) (Appropriate Amount) Order (Northern Ireland) 2012. (See end of Document for details)

2. Article 5(9)	Breach of experimental traffic control scheme	£30
3. Article 7(9)	Using a vehicle in contravention of temporary prohibition or restriction of traffic in case of execution of works	£30, but £60 if committed in respect of a speed restriction
4. Article 43(1)	Exceeding speed limit	£60
5. Article 59(4)	Breach of pedestrian crossing regulations	£60

Marginal Citations

M19 [S.I. 1997/276 \(N.I. 2\)](#)

[^{F4}Table 7A

The Goods Vehicles Licensing of Operators Act (Northern Ireland) 2010

<i>(1) Provision creating offence</i>	<i>(2) General nature of offence</i>	<i>(3) Deposit</i>
1. Section 1(6)	Using goods vehicle on road for carriage of goods except under operator's licence	£200]

Textual Amendments

F4 [Sch. 1 Table 7A](#) inserted (31.10.2014) by [The Road Traffic \(Financial Penalty Deposit\) \(Appropriate Amount\) \(Amendment\) Order \(Northern Ireland\) 2014 \(S.R. 2014/234\)](#), arts. 1, 2(3)

[^{F5}Table 7B

HGV Road User Levy Act 2013

<i>(1) Provision creating offence</i>	<i>(2) General nature of offence</i>	<i>(3) Deposit</i>
1. Section 11(1)	Using or keeping a heavy goods vehicle if the HGV road user levy charged in respect of the vehicle has not been paid	£300]

Textual Amendments

F5 [Sch. 1 Table 7B](#) inserted (31.10.2014) by [The Road Traffic \(Financial Penalty Deposit\) \(Appropriate Amount\) \(Amendment\) Order \(Northern Ireland\) 2014 \(S.R. 2014/234\)](#), arts. 1, 2(3)

Changes to legislation: There are currently no known outstanding effects for the The Road Traffic (Financial Penalty Deposit) (Appropriate Amount) Order (Northern Ireland) 2012. (See end of Document for details)

Table 8

European Communities (International Passenger Services) Regulations (Northern Ireland) 1987 ^{M20}

<i>(1)Provision creating offence</i>	<i>(2)General nature of offence</i>	<i>(3)Deposit</i>
1. Regulation 19(1)	Using a vehicle for Community regulated carriage of passengers otherwise than in accordance with the Council Regulations or the Commission Regulation	£30
2. Regulation 19(2)	Using a vehicle for ASOR regulated or Community regulated carriage by road without passenger waybill	£30

Marginal Citations

M20 S.R. [1987 No. 383](#)

Table 9

Passenger and Goods Vehicles (Recording Equipment) Regulations (Northern Ireland) 1996 ^{M21}

<i>(1)Provision creating offence</i>	<i>(2)General nature of offence</i>	<i>(3)Deposit</i>
1. Regulation 7(4)	Failing to comply with requirements relating to inspection of records or obstructing an officer	£200
2. Regulation 7D(1) ^{M22}	Failing to comply with requirements relating to inspection of recording equipment or records (whether electronic or hard copy) made by or stored on recording equipment	£200

Marginal Citations

M21 S.R. [1996 No. 145](#)

M22 Regulations 7A to 7F were inserted by regulation 7 of S.R. [2006 No. 274](#)

Table 10

Road Service Licensing (Community Licences) Regulations (Northern Ireland) 2002 ^{M23}

<i>(1)Provision creating offence</i>	<i>(2)General nature of offence</i>	<i>(3)Deposit</i>
--------------------------------------	-------------------------------------	-------------------

Changes to legislation: There are currently no known outstanding effects for the The Road Traffic (Financial Penalty Deposit) (Appropriate Amount) Order (Northern Ireland) 2012. (See end of Document for details)

1. Regulation 2	Using a public service vehicle without £60 Community licence
2. Regulation 6	Failure to comply with conditions governing use of Community licence £30

Marginal Citations

M23 S.R. 2002 No.116

Table 11

Road Transport (Passenger Vehicles Cabotage) (Northern Ireland) Regulations 2005 ^{M24}

<i>(1)Provision creating offence</i>	<i>(2)General nature of offence</i>	<i>(3)Deposit</i>
1. Regulation 2	Using a vehicle for UK cabotage operations without Community licence	£60
2. Regulation 3(1)	Using a vehicle for UK cabotage operations without control document	£60
3. Regulation 6(1)	Failure to produce Community licence when requested	£30
4. Regulation 6(3)	Failure to produce control document when requested	£30

Marginal Citations

M24 S.R. 2005 No. 212

Table 12

The Vehicle Drivers (Certificate of Professional Competence) Regulations 2007 ^{M25}

<i>(1)Provision creating offence</i>	<i>(2)General nature of offence</i>	<i>(3)Deposit</i>
1. Regulation 11(7)	Failing to produce evidence of CPC or National Vocational Training Certificate when required	£30

Marginal Citations

M25 S.I. 2007/605, as amended by S.I. 2008/1965; there are other amendments but none are relevant to this Order

SCHEDULE 2

Article 2(1)(b)

Deposits for Graduated Fixed Penalty Offences

Table 1

Articles 56(3) & 63 of the Road Traffic (Northern Ireland) Order 1981^{M26}

<i>(1) Nature of contravention or failure constituting the offence</i>	<i>(2) Seriousness of offence and applicable level of deposit</i>		
	£60	£120	£200
1. Driving a vehicle or vehicles for more than 10 hours, contrary to Article 56(1)(b) of the Road Traffic (Northern Ireland) Order 1981 and regulation 5 of the Drivers' Hours Regulations	More than 10 hours but less than 11 hours driving	11 hours or more but less than 12 hours driving	12 hours or more
2. Failure to take an interval for rest and refreshment, contrary to Article 56(1)(a) of the Road Traffic (Northern Ireland) Order 1981 and regulation 4 of the Drivers' Hours Regulations	Being on duty for up to 1 hour beyond the required break	Being on duty for 1 hour or more, but less than 2 hours, beyond the required break	Being on duty for 2 hours or more beyond the required break
3. Failing to take a daily rest period between two successive working days, contrary to Article 56(1)(c) of the Road Traffic (Northern Ireland) Order 1981 and regulation 6(1) of the Drivers' Hours Regulations	Less than 10 hours but more than 9 hours daily rest	9 hours or less but more than 8 hours daily rest	8 hours or less daily rest
4. Failing to take a daily rest period between two successive working days by a driver of a passenger vehicle to which Article 56 (1)(c) of the Road Traffic (Northern	Less than 10 hours but more than 9 hours daily rest (or, in the case of a reduced daily rest period, less than 8.5 hours but more than 7.5 hours daily rest)	9 hours or less but more than 8 hours daily rest (or, in the case of a reduced daily rest period, 7.5 hours or less but more than 6.5 hours daily rest)	8 hours or less daily rest (or, in the case of a reduced daily rest period, 6.5 hours or less daily rest)

Ireland) Order 1981 and regulation 6(2) of the Drivers' Hours Regulations

5. Failing to take a daily rest period between two successive working days by a driver of a goods vehicle to which Article 56(1) of the Road Traffic (Northern Ireland) Order 1981 and regulation 6(1) of the Drivers' Hours Regulations

6. In all other cases £30

Marginal Citations

M26 S.I. 1981/154 (N.I. 1); Article 63 was amended by S.R. 1981 No. 199

Table 2

Article 81(1) of the Road Traffic (Northern Ireland) Order 1981 ^{M27}

<i>(1) Nature of contravention or failure constituting the offence</i>	<i>(2) Seriousness of offence and applicable level of deposit</i>		
	£60	£120	£200
1. Exceeding 9 hours daily driving, in contravention of paragraph 1 of Article 6(1) of the EC Regulation	More than 9 hours but less than 10 hours driving	10 hours or more but less than 11 hours driving	11 hours or more driving
2. Exceeding 10 hours daily driving, in contravention of paragraph 2 of Article 6(1) of the EC Regulation	More than 10 hours but less than 11 hours driving	11 hours or more but less than 12 hours driving	12 hours or more driving
3. Exceeding the weekly driving time of 56 hours, in contravention of Article 6(2) of the EC Regulation	More than 56 hours but less than 58 hours driving	58 hours or more but less than 59 hours driving	59 hours or more driving

Changes to legislation: There are currently no known outstanding effects for the The Road Traffic (Financial Penalty Deposit) (Appropriate Amount) Order (Northern Ireland) 2012. (See end of Document for details)

4. Exceeding 90 hours accumulated driving time in any two consecutive weeks, in contravention of Article 6(3) of the EC Regulation

More than 90 hours but less than 93 hours driving	93 hours or more but less than 94 hours driving	94 hours or more driving
---	---	--------------------------

5. Exceeding 4.5 hours driving without a break, in contravention of Article 7 of the EC Regulation

More than 4.5 hours but less than 5.5 hours driving	5.5 hours or more but less than 6.5 hours driving	6.5 hours or more driving
---	---	---------------------------

6. Insufficient regular daily rest period in 24 hour period, in contravention of Articles 8(1) and 8(2) of the EC Regulation

Less than 11 hours but more than 10 hours daily rest	10 hours or less but more than 9 hours daily rest	9 hours or less daily rest
--	---	----------------------------

7. Insufficient reduced daily rest period in 24 hour period, in contravention of Articles 8(1) and 8(2) of the EC Regulation

Less than 9 hours but more than 8 hours daily rest	8 hours or less but more than 7 hours daily rest	7 hours or less daily rest
--	--	----------------------------

8. Failure to take first rest of at least 3 consecutive hours where daily rest period is split, as required by the first indent of Article 4(g) of the EC Regulation and in contravention of Articles 8(1) and 8(2) of that Regulation

Less than 3 hours but more than 2 hours rest	2 hours or less but more than 1 hours rest	1 hour or less rest
--	--	---------------------

9. Failure to take second rest of at least 9 consecutive hours where daily rest period is split, as required by the first indent of Article 4(g) of the EC Regulation, and in contravention of Articles 8(1) and 8(2) of that Regulation

Less than 9 hours but more than 8 hours rest	8 hours or less but more than 7 hours rest	7 hours or less rest
--	--	----------------------

10. Failure to take daily rest period of at least 12 hours in total, where regular daily

Less than 12 hours but more than 11 hours rest	11 hours or less but more than 10 hours rest	10 hours or less rest
--	--	-----------------------

rest period is split, as required by the first indent of Article 4(g) of the EC Regulation and in contravention of Articles 8(1) and 8(2) of that Regulation

11. Insufficient rest in 30 hour period by a driver engaged in multi-manning, in contravention of Articles 8(1) and 8(5) of the EC Regulation

Less than 9 hours but more than 8 hours rest	8 hours or less but more than 7 hours rest	7 hours or less rest
--	--	----------------------

12. Insufficient regular weekly rest period, in contravention of Articles 8(1) and (6) of the EC Regulation

Less than 45 hours but more than 43 hours weekly rest	43 hours or less but more than 42 hours weekly rest	42 hours or less weekly rest
---	---	------------------------------

13. Insufficient reduced weekly rest period, in contravention of Articles 8(1) and (6) of the EC Regulation

Less than 24 hours but more than 22 hours rest	22 hours or less but more than 21 hours rest	21 hours or less rest
--	--	-----------------------

14. Failure to take equivalent period of compensatory rest before the end of the third week where reduced weekly rest period has been taken, as required by the second indent of Article 8(6) of the EC Regulation

Up to 3 hours less rest than required	3 hours or more but less than 4 hours less rest than required	4 hours or more less rest than required
---------------------------------------	---	---

15. Exceeding 9 hours daily driving, in contravention of ^{F6}

More than 9 hours but less than 10 hours driving	10 hours or more but less than 11 hours driving	11 hours or more driving
--	---	--------------------------

... Article 6.1 of the AETR

16. Exceeding 10 hours daily driving (where permitted), in contravention of ^{F6}

More than 10 hours but less than 11 hours driving	11 hours or more but less than 12 hours driving	12 hours or more driving
---	---	--------------------------

... Article 6.1 of the AETR

Changes to legislation: There are currently no known outstanding effects for the The Road Traffic (Financial Penalty Deposit) (Appropriate Amount) Order (Northern Ireland) 2012. (See end of Document for details)

[^{F7}16A. Exceeding More than 56 hours 58 hours or more but 59 hours or more
the weekly driving but less than 58 hours less than 59 hours driving]
time of 56 hours, driving driving
in contravention of
Article 6.2 of the
AETR

17. Exceeding 90 More than 90 hours 93 hours or more but 94 hours or more
hours [^{F8}accumulated but less than 93 hours less than 94 hours driving
driving time in any driving driving
two consecutive weeks,
in contravention of
Article 6.3] of the
AETR

18. Exceeding 4.5 More than 4.5 hours 5.5 hours or more but 6.5 hours or more
hours driving without a but less than 5.5 hours less than 6.5 hours driving
break, in contravention driving driving
of Article 7.1 of the
AETR

19. Insufficient Less than 11 hours but 10 hours or less but 9 hours or less rest
[^{F9}regular] daily rest more than 10 hours rest more than 9 hours rest
period in 24 hour
period in contravention
of [^{F10}Articles 8.1 and
8.2] of the AETR

20. Insufficient Less than 9 hours but 8 hours or less but more 7 hours or less rest
reduced daily rest more than 8 hours rest than 7 hours rest
period

^{F11}

... in 24 hours period
in contravention of
[^{F12}Articles 8.1 and 8.2]
of the AETR

21. ^{F13} ^{F13} ^{F13}
^{F13}

...

[^{F14}22. Failure to take Less than 3 hours but 2 hours or less but more 1 hour or less rest
first rest of at least more than 2 hours rest than 1 hours rest
3 consecutive hours
where daily rest period
is split, as required
by Article 1(o)(i)
of the AETR and
in contravention of
Articles 8.1 and 8.2 of
the AETR

22A. Failure to take Less than 9 hours but 8 hours or less but more 7 hours or less rest]
second rest of at more than 8 hours rest than 7 hours rest
least 9 consecutive

hours where daily rest period is split, as required by Article 1(o)(i) of the AETR and in contravention of Articles 8.1 and 8.2 of the AETR

23. Failure to take daily rest period of ^[F15]at least 12 hours in total] where regular daily rest period is split ^[F16], as required by Article 1(o)(i) of the AETR and in contravention of Articles 8.1 and 8.2 of the AETR] Less than 12 hours but 11 hours or less but 10 hours or less rest more than 11 hours rest more than 10 hours rest

^[F17]24. Insufficient rest in 30 hour period by a driver engaged in multi-manning, in contravention of Articles 8.1 and 8.3 of the AETR] Less than ^[F18]9 hours] ^[F19]8 hours] or less but ^[F20]7 hours] or less rest but more than ^[F19]8 hours] rest more than ^[F20]7 hours] rest

25. Insufficient regular weekly rest period, in contravention of ^[F21]Articles 8.1 and 8.6(a)] of the AETR Less than 45 hours but more than 43 hours rest 43 hours or less but more than 42 hours rest 42 hours or less rest

26. ^{F22} . . . ^{F22} . . . ^{F22} . . .

27. ^{F23} Insufficient reduced weekly rest period Less than 24 hours but more than 22 hours rest 22 hours rest or less but more than 21 hours rest 21 hours or less rest

..., in contravention of ^[F24]Articles 8.1 and 8.6(a)] of the AETR

28. Failure to take ^[F25]equivalent period of compensatory rest before the end of the third week where reduced weekly rest period has been taken, as required by Article 8.6(a)(ii) of the AETR] Up to 3 hours less rest than required 3 hours or more but less than 4 hours less rest than required 4 hours or more less rest than required

29. In all other cases £30

Textual Amendments

- F6** Words in Sch. 2 Table 2 items 15, 16 omitted (11.3.2019) by virtue of [The Drivers Hours and Tachographs \(Amendment\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/12\)](#), regs. 1(2), **30(2)(a)**
- F7** Sch. 2 Table 2 item 16A inserted (11.3.2019) by [The Drivers Hours and Tachographs \(Amendment\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/12\)](#), regs. 1(2), **30(2)(b)**
- F8** Words in Sch. 2 Table 2 item 17 substituted (11.3.2019) by [The Drivers Hours and Tachographs \(Amendment\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/12\)](#), regs. 1(2), **30(2)(c)**
- F9** Word in Sch. 2 Table 2 item 19 inserted (11.3.2019) by [The Drivers Hours and Tachographs \(Amendment\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/12\)](#), regs. 1(2), **30(2)(d)(i)**
- F10** Words in Sch. 2 Table 2 item 19 substituted (11.3.2019) by [The Drivers Hours and Tachographs \(Amendment\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/12\)](#), regs. 1(2), **30(2)(d)(ii)**
- F11** Words in Sch. 2 Table 2 item 20 omitted (11.3.2019) by virtue of [The Drivers Hours and Tachographs \(Amendment\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/12\)](#), regs. 1(2), **30(2)(e)(i)**
- F12** Words in Sch. 2 Table 2 item 20 substituted (11.3.2019) by [The Drivers Hours and Tachographs \(Amendment\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/12\)](#), regs. 1(2), **30(2)(e)(ii)**
- F13** Sch. 2 Table 2 item 21 omitted (11.3.2019) by virtue of [The Drivers Hours and Tachographs \(Amendment\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/12\)](#), regs. 1(2), **30(2)(f)**
- F14** Sch. 2 Table 2 items 22, 22A substituted (11.3.2019) for Sch. 2 Table 2 item 22 by [The Drivers Hours and Tachographs \(Amendment\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/12\)](#), regs. 1(2), **30(2)(g)**
- F15** Words in Sch. 2 Table 2 item 23 substituted (11.3.2019) by [The Drivers Hours and Tachographs \(Amendment\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/12\)](#), regs. 1(2), **30(2)(h)(i)**
- F16** Words in Sch. 2 Table 2 item 23 inserted (11.3.2019) by [The Drivers Hours and Tachographs \(Amendment\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/12\)](#), regs. 1(2), **30(2)(h)(ii)**
- F17** Words in Sch. 2 Table 2 item 24 substituted (11.3.2019) by [The Drivers Hours and Tachographs \(Amendment\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/12\)](#), regs. 1(2), **30(2)(i)(i)**
- F18** Words in Sch. 2 Table 2 item 24 substituted (11.3.2019) by [The Drivers Hours and Tachographs \(Amendment\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/12\)](#), regs. 1(2), **30(2)(i)(ii)**
- F19** Words in Sch. 2 Table 2 item 24 substituted (11.3.2019) by [The Drivers Hours and Tachographs \(Amendment\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/12\)](#), regs. 1(2), **30(2)(i)(iii)**
- F20** Words in Sch. 2 Table 2 item 24 substituted (11.3.2019) by [The Drivers Hours and Tachographs \(Amendment\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/12\)](#), regs. 1(2), **30(2)(i)(iv)**
- F21** Words in Sch. 2 Table 2 item 25 substituted (11.3.2019) by [The Drivers Hours and Tachographs \(Amendment\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/12\)](#), regs. 1(2), **30(2)(j)**
- F22** Sch. 2 Table 2 item 26 omitted (11.3.2019) by virtue of [The Drivers Hours and Tachographs \(Amendment\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/12\)](#), regs. 1(2), **30(2)(k)**
- F23** Words in Sch. 2 Table 2 item 27 omitted (11.3.2019) by virtue of [The Drivers Hours and Tachographs \(Amendment\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/12\)](#), regs. 1(2), **30(2)(l)(i)**
- F24** Words in Sch. 2 Table 2 item 27 substituted (11.3.2019) by [The Drivers Hours and Tachographs \(Amendment\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/12\)](#), regs. 1(2), **30(2)(l)(ii)**
- F25** Words in Sch. 2 Table 2 item 28 substituted (11.3.2019) by [The Drivers Hours and Tachographs \(Amendment\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/12\)](#), regs. 1(2), **30(2)(m)**

Marginal Citations

- M27** [S.I. 1981/154 \(N.I. 1\)](#)

Table 3

Article 56 of the Road Traffic (Northern Ireland) Order 1995^{M28}

(1) Nature of contravention or the failure constituting the offence (2) Applicable level of deposit

- | | |
|--|------|
| 1. Contravention, except in the case of a motorcycle, of regulation 32(1)(g)(failure to have a tread pattern of at least 1 millimetre) of the Construction and Use Regulations | £120 |
| 2. In all other cases | £60 |

Marginal Citations

M28 S.I. 1995/2994 (N.I. 18)

Table 4

Article 57(1) of the Road Traffic (Northern Ireland) Order 1995

(1) Nature of contravention or failure constituting the offence (2) Applicable level of deposit

- | | £60 | £120 | £200 |
|--|---------------------|--|---------------------------------|
| 1. Exceeding maximum authorised weight of vehicle, contrary to regulation 4(1)(a) of, and Schedule 1 to, the Authorised Weight Regulations | Exceeding up to 10% | Exceeding weight by 10% or more, but less than 15% | Exceeding weight by 15% or more |
| 2. Exceeding maximum authorised weight of vehicle combination, contrary to regulation 4(1)(b) of, and Schedule 2 to, the Authorised Weight Regulations | Exceeding up to 10% | Exceeding weight by 10% or more, but less than 15% | Exceeding weight by 15% or more |
| 3. Exceeding maximum authorised weight of axle, contrary to regulation 4(1)(c) of, and Schedule 3 to, the Authorised Weight Regulations | Exceeding up to 10% | Exceeding weight by 10% or more, but less than 15% | Exceeding weight by 15% or more |

Changes to legislation: There are currently no known outstanding effects for the The Road Traffic (Financial Penalty Deposit) (Appropriate Amount) Order (Northern Ireland) 2012. (See end of Document for details)

4. Exceeding maximum laden weight of a vehicle, contrary to regulation 87(1) of, and Parts I, IA and II of Schedule 13 to, the Construction and Use Regulations
Exceeding weight by up to 10%
Exceeding weight by 10% or more, but less than 15%
Exceeding weight by 15% or more
5. Exceeding maximum laden weight of trailer, contrary to regulation 87(3) of the Construction and Use Regulations
Exceeding weight by up to 10%
Exceeding weight by 10% or more, but less than 15%
Exceeding weight by 15% or more
6. Exceeding maximum laden weight of a vehicle and trailer, other than an articulated vehicle, contrary to regulation 88(1) of the Construction and Use Regulations
Exceeding weight by up to 10%
Exceeding weight by 10% or more, but less than 15%
Exceeding weight by 15% or more
7. Exceeding any weights shown on the plate fitted in accordance with regulation 79 of the Construction and Use Regulations, contrary to regulation 93(1)(a) of those Regulations
Exceeding weight by up to 10%
Exceeding weight by 10% or more, but less than 15%
Exceeding weight by 15% or more
8. Exceeding maximum gross weight in respect of an agricultural trailed appliance, contrary to regulation 93(1)(b) of the Construction and Use Regulations
Exceeding weight by up to 10%
Exceeding weight by 10% or more, but less than 15%
Exceeding weight by 15% or more
9. Exceeding sum of weights in respect of axles fitted with a compensating arrangement, contrary to regulation 93(2) of
Exceeding weight by up to 10%
Exceeding weight by 10% or more, but less than 15%
Exceeding weight by 15% or more

the Construction and
Use Regulations

10. In all other cases £30

Table 5

Article 58 of the Road Traffic (Northern Ireland) Order 1995

(1) Nature of contravention or failure (2) Applicable level of deposit constituting the offence

- | | |
|--|------|
| 1. Failure to meet requirements regarding speed limiters, in accordance with regulation 42(2) of the Construction and Use Regulations | £120 |
| 2. Failure to meet requirements regarding speed limiters, in accordance with regulation 43(2) of the Construction and Use Regulations | £120 |
| 3. Failure to maintain vehicle, etc., or to carry, etc., passengers in accordance with regulation 115(1) of the Construction and Use Regulations, so as not to be a danger | £60 |
| 4. Failure to carry load in a secure manner, etc., in accordance with regulation 115(2) of the Construction and Use Regulations, so as not to be a danger or nuisance | £60 |
| 5. Failure to use vehicle for suitable purposes, in accordance with regulation 115(3) of the Construction and Use Regulations, so as not to cause or be likely to cause a danger or nuisance | £60 |
| 6. In all other cases | £30 |

Table 6

Regulation 3(1) of the Passenger and Goods Vehicles (Recording Equipment) Regulations (Northern Ireland) 1996 ^{M29}

(1) Nature of contravention or failure (2) Applicable level of deposit constituting the offence

- | | |
|---|------|
| 1. Failure to ensure recording equipment installed in accordance with Article 3(1) of [^{F26} the EU Tachographs Regulation] | £200 |
| 2. Failing to ensure correct functioning of recording equipment or driver card, in accordance with [^{F27} Article 32(1) of the EU Tachographs Regulation] | £60 |
| 3. Failing to ensure the proper use of the recording equipment, in accordance with | £120 |

[^{F28} Article 32(1) of the EU Tachographs Regulation]	
4. Failing to ensure the proper use of the driver card, in accordance with [^{F29} Article 32(1) of the EU Tachographs Regulation]	£200
5. Failure to ensure that printing can be carried out correctly in the event of an inspection (other than a failure to provide sufficient printing material), in accordance with [^{F30} Article 33(1) of the EU Tachographs Regulation]	£120
6. Failure to ensure that printing can be carried out correctly in the event of an inspection by a failure to provide sufficient printing material, in accordance with [^{F31} Article 33(1) of the EU Tachographs Regulation]	£60
7. Using driver card of which the driver is not the holder, contrary to [^{F32} Article 27(2) of the EU Tachographs Regulation]	£200
8. Using a defective driver card, contrary to [^{F33} Article 27(2) of the EU Tachographs Regulation]	£60
9. Failure, at the start of the journey, to print out information required, etc, in accordance with [^{F34} Article 35(2)(a) of the EU Tachographs Regulation]	£120
10. Failure, at the end of the journey, to print out the information required, etc, in accordance with [^{F35} Article 35(2)(b) of the EU Tachographs Regulation]	£120
11. Failure to use record sheets or driver card, in accordance with [^{F36} Article 34(1) of the EU Tachographs Regulation]	£200
12. Unauthorised withdrawal of record sheet or driver card, contrary to [^{F37} Article 34(1) of the EU Tachographs Regulation]	£120
13. Failure to enter legibly on the record sheet, when away from the vehicle, periods of time, in accordance with [^{F38} Article 34(3) of the EU Tachographs Regulation]	£120
14. Failure to amend record sheet or driver card as necessary when more than one driver on board the vehicle, in accordance with [^{F39} Article 34(4) of the EU Tachographs Regulation]	£120
15. In all other cases	£30

Textual Amendments

- F26** Words in Sch. 2 Table 6 Item 1 substituted (31.10.2016) by [The Passenger and Goods Vehicles \(Tachographs\) \(Amendment\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/343\)](#), regs. 1(1), **7(3)(a)**
- F27** Words in Sch. 2 Table 6 Item 2 substituted (31.10.2016) by [The Passenger and Goods Vehicles \(Tachographs\) \(Amendment\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/343\)](#), regs. 1(1), **7(3)(b)**
- F28** Words in Sch. 2 Table 6 Item 3 substituted (31.10.2016) by [The Passenger and Goods Vehicles \(Tachographs\) \(Amendment\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/343\)](#), regs. 1(1), **7(3)(b)**
- F29** Words in Sch. 2 Table 6 Item 4 substituted (31.10.2016) by [The Passenger and Goods Vehicles \(Tachographs\) \(Amendment\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/343\)](#), regs. 1(1), **7(3)(b)**
- F30** Words in Sch. 2 Table 6 Item 5 substituted (31.10.2016) by [The Passenger and Goods Vehicles \(Tachographs\) \(Amendment\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/343\)](#), regs. 1(1), **7(3)(c)**
- F31** Words in Sch. 2 Table 6 Item 6 substituted (31.10.2016) by [The Passenger and Goods Vehicles \(Tachographs\) \(Amendment\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/343\)](#), regs. 1(1), **7(3)(c)**
- F32** Words in Sch. 2 Table 6 Item 7 substituted (31.10.2016) by [The Passenger and Goods Vehicles \(Tachographs\) \(Amendment\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/343\)](#), regs. 1(1), **7(3)(d)**
- F33** Words in Sch. 2 Table 6 Item 8 substituted (31.10.2016) by [The Passenger and Goods Vehicles \(Tachographs\) \(Amendment\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/343\)](#), regs. 1(1), **7(3)(d)**
- F34** Words in Sch. 2 Table 6 Item 9 substituted (31.10.2016) by [The Passenger and Goods Vehicles \(Tachographs\) \(Amendment\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/343\)](#), regs. 1(1), **7(3)(e)**
- F35** Words in Sch. 2 Table 6 Item 10 substituted (31.10.2016) by [The Passenger and Goods Vehicles \(Tachographs\) \(Amendment\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/343\)](#), regs. 1(1), **7(3)(f)**
- F36** Words in Sch. 2 Table 6 Item 11 substituted (31.10.2016) by [The Passenger and Goods Vehicles \(Tachographs\) \(Amendment\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/343\)](#), regs. 1(1), **7(3)(g)**
- F37** Words in Sch. 2 Table 6 Item 12 substituted (31.10.2016) by [The Passenger and Goods Vehicles \(Tachographs\) \(Amendment\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/343\)](#), regs. 1(1), **7(3)(g)**
- F38** Words in Sch. 2 Table 6 Item 13 substituted (31.10.2016) by [The Passenger and Goods Vehicles \(Tachographs\) \(Amendment\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/343\)](#), regs. 1(1), **7(3)(h)**
- F39** Words in Sch. 2 Table 6 Item 14 substituted (31.10.2016) by [The Passenger and Goods Vehicles \(Tachographs\) \(Amendment\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/343\)](#), regs. 1(1), **7(3)(i)**

Marginal Citations

- M29** S.R. 1996 No. 145

[^{F40}Table 7

Regulation 3A of the Passenger and Goods Vehicles (Recording Equipment) Regulations (Northern Ireland) 1996

(1) Nature of contravention or failure (2)Applicable level of deposit constituting the offence

1. Failure to ensure recording equipment £200 installed in accordance with regulation 3A(1)
2. Failure to ensure the correct functioning £60 of recording equipment or driver card, in accordance with Article 10 of the Annex to the AETR
3. Failure to ensure the proper use of the £120 recording equipment, in accordance with Article 10 of the Annex to the AETR

Changes to legislation: There are currently no known outstanding effects for the The Road Traffic (Financial Penalty Deposit) (Appropriate Amount) Order (Northern Ireland) 2012. (See end of Document for details)

<i>(1) Nature of contravention or failure constituting the offence</i>	<i>(2)Applicable level of deposit</i>
4. Failure to ensure the proper use of the driver card, in accordance with Article 10 of the Annex to the AETR	£200
5. Failure to ensure that printing can be carried out correctly in the event of an inspection (other than a failure to provide sufficient printing material), in accordance with the second sub-paragraph of Article 11.1 of the Annex to the AETR	£120
6. Failure to ensure that printing can be carried out correctly in the event of an inspection by a failure to provide sufficient printing material, in accordance with the first sub-paragraph of Article 11.1 of the Annex to the AETR	£60
7. Using driver card of which the driver is not the holder, contrary to the third sub-paragraph of Article 11.4(a) of the Annex to the AETR	£200
8. Using a defective driver card, contrary to the third sub-paragraph of Article 11.4(a) of the Annex to the AETR	£60
9. Failure to use record sheets or driver card, in accordance with the first sub-paragraph of Article 12.2(a) of the Annex to the AETR	£200
10. Unauthorised withdrawal of record sheet or driver card, contrary to the first sub-paragraph of Article 12.2(a) of the Annex to the AETR	£120
11. Failure to enter legibly on the record sheet, when away from the vehicle, periods of time, in accordance with Article 12.2(b) of the Annex to the AETR	£120
12. Failure to amend record sheet or driver card as necessary when more than one driver on board the vehicle, in accordance with paragraph (2)(c) or the second sub-paragraph of paragraph (2)(a) of Article 12 of the Annex to the AETR	£120
13. Failure, at the start of the journey, to print out information required, etc, in accordance with Article 13.2(b)(i) of the Annex to the AETR	£120
14. Failure, at the end of the journey, to print out information required, etc, in accordance with Article 13.2(b)(ii) of the Annex to the AETR	£120
15. In all other cases	£30]

Textual Amendments

F40 Sch. 2 Table 7 inserted (11.3.2019) by [The Drivers Hours and Tachographs \(Amendment\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/12\)](#), regs. 1(2), **30(3)**

EXPLANATORY NOTE

(This note is not part of the Order)

Part IVA of the Road Traffic Offenders (Northern Ireland) Order 1996 (“the Order”) is inserted by Article 12 of the Road Traffic (Northern Ireland) Order 2007. It provides that, when a constable or vehicle examiner believes a specified offence has been committed relating to a motor vehicle, the constable or vehicle examiner may impose a financial penalty deposit on a person without a satisfactory UK address who has been given notice of likely proceedings or a fixed penalty notice in respect of an offence.

This Order specifies the amount of the deposit, defined as the “appropriate amount” in new Article 91C(2) of the Order.

Article 2 of this Order provides that, if a person has been given a fixed penalty notice or handed a conditional offer for a fixed penalty offence, the appropriate amount is as specified in the third column of Schedule 1. For those cases in which the person has been given a fixed penalty notice or handed a conditional offer for a graduated fixed penalty offence, the appropriate amount in respect of that fixed penalty notice or conditional offer is specified in Schedule 2 by reference to the nature of the contravention or the failure constituting the offence or the seriousness of the offence. For those offences which are likely to be tried in court, and for which the person has been given notice of that fact, the appropriate amount is £300.

In the event that the person is not prosecuted, is acquitted, or is convicted but not fined, or the period in which a prosecution may be brought ends, appropriate steps to make an appropriate refund of the financial penalty deposit are required to be taken by the Department of the Environment. These steps are set out in the Road Traffic (Financial Penalty Deposit) Order (Northern Ireland) 2012. That Order also specifies the offences to which the financial penalty deposit scheme applies. The rate of interest to be calculated for the purposes of determining the appropriate refund is set out in the Road Traffic (Financial Penalty Deposit) (Interest) Order 2012. The AETR agreement, which relates to drivers' hours of work, is out of print but available online from www.unece.org

The Department of the Environment has produced an Explanatory Memorandum and a Regulatory Impact Assessment, showing the effect these Regulations will have on costs for the business and voluntary sectors. The documents are available from the Road Safety and Vehicle Regulation Division, Department of the Environment, Clarence Court, 10-18 Adelaide Street, Belfast BT2 8GB or viewed online at <http://www.legislation.gov.uk/nisr>

Changes to legislation:

There are currently no known outstanding effects for the The Road Traffic (Financial Penalty Deposit) (Appropriate Amount) Order (Northern Ireland) 2012.