
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>