

EXPLANATORY MEMORANDUM TO
The Road Traffic Offenders (Additional Offences) Order
(Northern Ireland) 2014

S.R. 230

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of the Environment to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Article 23(3) of the Road Traffic Offenders (Northern Ireland) Order 1996 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The purpose of the Order is to amend Article 23(2) of the Road Traffic Offenders (Northern Ireland) Order 1996 to add the offence of using or keeping a heavy goods vehicle ("HGV") on a UK road without paying the appropriate HGV Road User Levy.

3. Background

- 3.1. The HGV Road User Levy Act 2013 ("the Act"), which came into force on 1st April 2014, introduced a specific time based charge for using or keeping an HGV weighing 12 tonnes or more on a public road in the UK.
- 3.2. A key objective of the Act is to ensure a fairer arrangement for UK hauliers. Currently, foreign-registered HGVs do not pay to use the road network in the UK; whereas UK registered HGVs pay charges or tolls in most other European countries.

4. Consultation

- 4.1. The Department consulted on the proposals for secondary legislation during the period 2nd January 2014 to 4th February 2014. There were no objections to the proposed legislation and those who responded were supportive of the proposed level of the penalty.
- 4.2. Three objections to the levy itself were received. The objections have been noted and concerns passed to the Department of Transport who are responsible for introducing the levy.

5. Equality Impact

- 5.1. Consideration was given to compliance with section 75 of the Northern Ireland Act 1998. An Equality Screening Exercise was completed and as no equality issues were identified a full Equality Impact Assessment was not considered necessary.

6. Regulatory Impact

- 6.1. The main businesses affected are the road haulage and freight transport industries. However, there will be no additional costs or administrative burden for those who comply with the law.

7. Financial Implications

- 7.1. There will be no additional cost to the Department in implementing this Statutory Rule as it already has policy and procedures in place to deliver the scheme.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The Department has considered the matter of convention rights and community law and is satisfied that there are no matters of concern.

9. EU Implications

- 9.1. Not applicable.

10. Parity or Replicatory Measure

- 10.1. This Order replicates the Road Traffic Offenders (Additional Offences) Order 2013 (S.I. 2014/260) which came into force on 1st April 2014.

11. Additional Information

- 11.1. Not applicable.