

EXPLANATORY MEMORANDUM TO

THE ROAD TRAFFIC OFFENDERS (NORTHERN IRELAND) (AMENDMENT) ORDER 2020

2020 NO.334

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department for Infrastructure to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Article 30(7) of the Road Traffic Offenders (Northern Ireland) Order 1996 (“the Offenders Order”) and is subject to the affirmative resolution procedure.

2. Purpose

- 2.1. This Order increases to six the number of obligatory penalty points attributable for an offence relating to the driving of a motor vehicle while using a hand held mobile phone or other hand held interactive communication device.

3. Background

- 3.1. Article 56A(b) of the Road Traffic (Northern Ireland) Order 1995 (“the 1995 Road Traffic Order”) makes it an offence to drive or supervise the driving of a motor vehicle while using a hand held mobile phone or other hand held interactive communication device. It is also an offence to cause or permit the driving of a motor vehicle by another person who is using such a phone or other device.
- 3.2. Part 1 of Schedule 1 (prosecution and punishment of offences), to the Offenders Order prescribes the number of penalty points that are attributable to a driver committing an offence under Article 56A(b) of the 1995 Road Traffic Order.
- 3.3. This Order amends Part 1 of Schedule 1 to the Offenders Order to increase the number of penalty points that are attributable for such an offence from three to six. The increased points total will apply whether the offence is discharged by payment of a fixed penalty or by court conviction. There is therefore no differential in the number of penalty points applied whether a driver accepts a Fixed Penalty Notice or is prosecuted through the courts.
- 3.4. The fixed penalty amount prescribed for this offence has also been increased from £60 to £200 by the Road Traffic (Fixed Penalty) (Amendment) Order (Northern Ireland) 2020.

4. Consultation

- 4.1. Consultation on the “Use of a Mobile Phone While Driving – Review of Existing Offences and Associated Penalties” ran from 6 March 2018 to 15 May 2018. A total of 337 responses were received highlighting strong public concern about the prevalent use of mobile phones behind the wheel and support for increasing the penalties in place for the use of mobile phones when driving.

5. Equality Impact

- 5.1. The Department considered that the proposed legislation does not impact on the equality of opportunity of any of the groups specified in section 75 of the Northern Ireland Act 1998. An equality impact assessment was not therefore completed.

6. Regulatory Impact

- 6.1. A Regulatory Impact Assessment was not carried out as the Department considered that the proposed legislation does not unduly impact business, charities or voluntary bodies.

7. Financial Implications

- 7.1. The Department considers that there will be minimal financial implications.

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 corresponds to the Road Traffic Offenders Act 1988 (Penalty Points) (Amendment) Order 2017 (S.I. 2017/104) made by the Department for Transport and applicable in Great Britain.

11. Additional Information

- 11.1. Not applicable.