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 [F1].

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

F1 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 [F2];

"Authorised Weight Regulations" means the Motor Vehicles (Authorised Weight) Regulations (Northern Ireland) 1999 [F3];

[F4]...

"the Construction and Use Regulations" means the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999 [F5];

"the Drivers' Hours Regulations" means the Vehicles (Drivers' Hours of Duty) Regulations (Northern Ireland) 1991 [F6];

"the EC Regulation" means Regulation (EC) No. 561/2006 of the European Parliament and of the Council [F7] as amended from time to time;

[[F8]"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.

F2 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.

F3 S.R. 1999 No. 258

F4 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)

F5 S.R. 1999 No. 454

F6 S.R. 1991 No. 144

F7 O.J. No. L102, 11.04.06, p. 1.

F8 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)

The appropriate amount

2.—(1) Subject to paragraph (2), the appropriate amount of a financial penalty deposit shall be—

(a) 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;

(b) 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

(c) 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 [F9]

(1)Provision creating offence	*(2)General nature of offence*	*(3)Deposit*
1. Section 4(4)	Using motor vehicle on road except under Road Service licence	£200
2. [F10] ...	[F10] . . .	[F10] . . .

F9 1967 c.37 (N.I.)
F10 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)**

Table 2

Road Traffic (Northern Ireland) Order 1981 [F11]

(1)Provision creating offence	*(2)General nature of offence*	*(3)Deposit*
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) [F12]	Failing to stop mechanically propelled vehicle when required	£30

F11 S.I. 1981/154 (N.I. 1)
F12 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 [F13]

(1)Provision creating offence	*(2)General nature of offence*	*(3)Deposit*
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

F13 S.I. 1993/3160 (N.I. 15)

Table 4

Vehicle Excise and Registration Act 1994 [F14]

(1)Provision creating offence	*(2)General nature of offence*	*(3)Deposit*
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

F14 1994 c.22

Table 5

The Road Traffic (Northern Ireland) Order 1995 [F15]

(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) [F16]	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 **F17**	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) **F18**	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 **F19**
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 **F20**	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