STATUTORY RULES OF NORTHERN IRELAND

2012 No. 17

ROAD TRAFFIC AND VEHICLES

The Road Traffic (Financial Penalty Deposit) 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 Articles 91B(2)(b), 91C(1)(a) and 91D(9) 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.

Annotations:

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/ 916 (N.I. 10). 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) Order (Northern Ireland) 2012 and shall come into operation on 23rd April 2012.

(2) In this Order—

"credit card" means a card or similar thing issued by any person, use of which enables the holder to defer the payment by the holder of the charge for the appropriate amount;

"debit card" means a card or similar thing issued by any person, use of which by the holder causes the charge for the appropriate amount to be paid by the electronic transfer of funds from any current account of the holder at a bank or other institution providing banking services; and

"the Order" means the Road Traffic Offenders (Northern Ireland) Order 1996.

The specified person

2. The specified person for the purposes of Article 91B(2)(b) of the Order is the person in charge of the motor vehicle at the time at which the constable or vehicle examiner has reason to believe that a person is committing, or has on that occasion committed an offence specified in this Order relating to that vehicle.

The specified offences

3. The specified offences for the purposes of Article 91B(2)(b) of the Order are set out in column one of the tables in the Schedule (the general nature of the offence is also indicated in column two).

The specified circumstances

4.—(1) The specified circumstances for the purposes of Article 91B(2)(b) of the Order are that the offence is being committed, or has on that occasion been committed, on a road or other public place.

(2) In this Article, "road" has the meaning given in Article 2(2) of the Road Traffic (Northern Ireland) Order 1995 [F2].

Annotations:
F2 S.I. 1995/2994 (N.I. 18)

Manner of payment

5. Payment of the appropriate amount shall be made—

(a) in person to the constable or vehicle examiner, by cash or credit or debit card, if the vehicle examiner or constable has the necessary means to accept payment in that manner;

(b) by telephone by credit or debit card, to the number on the document referred to in Article 91B(3) of the Order, if a number is so given; or

(c) by any other means specified on the document referred to in Article 91B(3) of the Order.

Appropriate steps to make an appropriate refund

6.—(1) The appropriate steps to trace the person and to make an appropriate refund, for the purposes of Article 91D(9) of the Order are set out in paragraphs (2) and (3).

(2) The Department shall—

(a) attempt to contact the person (on whom the financial penalty requirement was imposed) at any address given in any response or in any document provided to a vehicle examiner or constable; but

(b) if the attempt to contact that person is unsuccessful, and if a person other than that person made the payment, attempt to contact that other person, at any address or contact details given when the person made the payment.

(3) The means by which an appropriate refund can be made by the Department are—

(a) by cheque;

(b) by refund to any credit or debit card used to make the financial penalty payment; or

(c) by any other means agreed with the person to whom the appropriate refund is to be made.

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 Article 3

Table 1

Transport Act (Northern Ireland) 1967 [F3]

Provision creating offence	*General nature of offence*
Section 4(4) **F4**	Using motor vehicle on road except under Road Service licence
F5	**F5**
. . .	. . .
Section 34 **F6**	Forgery and misuse of documents

Annotations:

F3 1967 c.37 (N.I.)

F4 Section 4(4) was amended by SRO (N.I.) 1972/359 & S.I. 1984/703 (N.I. 3)

F5 Words in Sch. omitted (31.10.2014) by virtue of The Road Traffic (Financial Penalty Deposit) (Amendment) Order (Northern Ireland) 2014 (S.R. 2014/233), arts. 1, **2(2)**

F6 Section 34 was amended by 1975 c.46, S.R. 1977 No. 327, S.R. 1981 No. 2, 1981 c. 45, **S.I.** 1984/703 (N.I. 3), S.R. 1987 No. 187, S.R. 1987 No. 383, S.R. 2003 No. 217 and S.R. 2005 No. 212

Table 2

Road Traffic (Northern Ireland) Order 1981 [F7]

Provision creating offence	*General nature of offence*
Article 3(1)	Driving a vehicle on a road if not the holder of a licence authorising to drive a motor vehicle of that class
Article 11A **F8**	Driving after refusal or revocation of licence
Article 31E(1) **F9**	Using, causing or permitting to be used a motor vehicle without required certificate being in force showing that the vehicle complies with type approval requirements applicable to it
Article 56(3)	Contravention of any requirement of the domestic drivers' hours code by drivers of goods vehicles
Article 60(2) **F10** and Schedule 1 to the Road Traffic Offenders (Northern Ireland) Order 1996 **F11**	Using a vehicle without certificate of initial fitness (or equivalent)

Article 63 F12	Contravention of any requirement of the domestic drivers' hours code by drivers of public service vehicles
Article 72(1) F13	Failing to comply with conditions of LGV or PCV driver's licence
Article 72(2)	Causing or permitting a person under 21 to drive LGV or PCV in contravention of conditions of licence
Article 81(1)	Contravention of any requirement of applicable Community rules as to periods of driving
Articles 84(1) F14 and 86(1)(a)	Driving a foreign goods vehicle or foreign public service vehicle in contravention of a prohibition
Article 86(1)	Failing to comply with prohibition or direction in relation to driving vehicle
Article 90(4)	Using a motor vehicle while uninsured or unsecured against third party risks
Article 154(1)	Driving with uncorrected defective eyesight
Article 168A(1)(c) F15	Driving while disqualified
Article 175(2)	Failing to stop after accident and give particulars or report accident
Article 177(1) F16	Failing to give correct name and address and that of the vehicle owner and any other information concerning the vehicle such as names and addresses of any passengers
Article 180(1) F17	Failing to stop a mechanically propelled vehicle or cycle when required
Article 180(4) F18	Failing to produce driving licence, certificate of insurance, test certificate or goods vehicle test certificate

Annotations:

F7 S.I. 1981/154 (N.I. 1)

F8 Article 11A was inserted by Article 33(3) of S.I. 2007/ 916 (N.I. 10)

F9 Article 31E(1) was inserted by Article 3 of S.I. 1985/755 (N.I. 6)

F10 Article 60(2) was amended by S.I. 1991/197 (N.I. 3)

F11 S.I. 1996/1320 (N.I. 10)

F12 Article 63 was amended by S.R. 1981 No. 199

F13 Article 72 was amended by S.R. 1994 No. 365 and SR 1996 No. 426

F14 Article 84(1) was amended by S.R. 2003 No. 515

F15 Article 168A(c) was inserted by Article 37 of S.I. 2007/916 (N.I. 10)

F16 Article 177(1) was amended by S.I. 1996/1320 (N.I. 10)

F17 Article 180(1) was amended by S.I. 1995/2994 (N.I. 18)

F18 Article 180(4) was amended by S.I. 1995/2994 (N.I. 18); S.R. 1989 No. 238; S.R. 1994 No. 365 and S.I. 1996/1320 (N.I. 10)

Table 3

Roads (Northern Ireland) Order 1993 [F19]

Provision creating offence	*General nature of offence*
Article 20(4)	Wrongful use of a special road

Annotations:
F19 S.I. 1993/3160 (N.I. 15)

Table 4

Vehicle Excise and Registration Act 1994 [F20]

Provision creating offence	*General nature of offence*
Section 42(1)	Driving or keeping a vehicle without required registration mark
Section 43(1)	Driving or keeping a vehicle with registration mark obscured etc.
Section 44(1)	Forgery and fraudulent use of a registration mark

Annotations:
F20 1994 c.22

Table 5

Disability Discrimination Act 1995 [F21]

Provision creating offence	*General nature of offence*
Section 40(3)	Failing to comply with PSV accessibility regulations made under section 40(1)
Section 41(3)	Using a regulated public service vehicle on the road where no accessibility certificate or approval certificate has been issued

Annotations:
F21 1995 c.50