STATUTORY RULES OF NORTHERN IRELAND

2011 No. 288

ROAD TRAFFIC AND VEHICLES

The Road Traffic (Fixed Penalty) (Amendment) Order (Northern Ireland) 2011

Made - - - -	*28th July 2011*
Coming into operation	*12th September 2011*

The Department of the Environment makes the following Order in exercise of the powers conferred by Article 59(1) of the Road Traffic Offenders (Northern Ireland) Order 1996(**1**).

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

Citation, commencement and application

1.—(1) This Order may be cited as the Road Traffic (Fixed Penalty) (Amendment) Order (Northern Ireland) 2011 and shall come into operation on 12th September 2011.

(2) This Order applies in relation to fixed penalty offences alleged to have been committed on or after 12th September 2011.

Amendment of the Road Traffic (Fixed Penalty) Order

2.—(1) The Road Traffic (Fixed Penalty) Order (Northern Ireland) 2007(**2**) is amended in accordance with paragraphs (2) to (5).

(2) After Article 1 insert—

"**Interpretation**

1A. In Schedule 2—

"the AETR" means the European Agreement(**3**) 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;

(**1**) S.I. 1996/1320 (N.I. 10), Article 59 renumbered by Article 22 of S.I. 2007/916 (N.I. 10)
(**2**) S.R. 2007 No. 319
(**3**) Cmnd7401. 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

"the Authorised Weights Regulations" means the Motor Vehicles (Authorised Weight) Regulations (Northern Ireland) 1999(**4**);

"the Community Recording Equipment Regulation" has the meaning given in regulation 2(1) of the Passenger and Goods Vehicles (Recording Equipment) Regulations (Northern Ireland) 1996(**5**);

"the Construction and Use Regulations" means the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999(**6**);

"the Drivers' Hours Regulations" means the Vehicles (Drivers' Hours of Duty) Regulations 1991(**7**);

"the EC Regulation" means Regulation (EC) No. 561/2006 of the European Parliament and of the Council(**8**) as amended from time to time.".

(3) In Article 2—

(a) for "the Schedule", substitute "Schedule 1"; and

(b) after "column (2)" add "of that Schedule".

(4) After Article 2 insert—

"**Graduated fixed penalties**

2A. The amount of the fixed penalty for an offence specified in Schedule 2 shall be the amount indicated in relation to that offence by that Schedule, by reference to the circumstances of the offence, those being the nature of the contravention, and, where specified, its seriousness.".

(5) For the Schedule substitute—

"SCHEDULE 1 Article 2

Fixed Penalties

	Offence	*Fixed Penalty*
1.	A fixed penalty offence under section 4(4) of the Transport Act (Northern Ireland) 1967(**9**)	£200
2.	A fixed penalty offence under section 17(3) of the Transport Act (Northern Ireland) 1967	£200
3.	A fixed penalty offence under Article 81(2) of the Road Traffic (Northern Ireland) Order 1981(**10**)	£200
4.	A fixed penalty offence under Article 86 of the Road Traffic (Northern Ireland) Order 1981	£200

In this Schedule a "fixed penalty offence" is an offence specified in the Road Traffic (Fixed Penalty) (Offences) Order (Northern Ireland) 1997(**20**).

(**4**) S.R.1999 No. 258
(**5**) S.R. 1996 No. 145
(**6**) S.R. 1999 No.454
(**7**) S.R. 1991 No. 144 as amended by S.R. 1992 No. 370
(**8**) O.J. No. L102, 11.04.06, p. 1.
(**9**) 1967 c37; relevant amending regulations S.R. 1972 No. 359 and S.I. 1984 No. 703 (N.I. 3)
(**10**) S.I. 1981/154 (N.I. 1)
(**20**) S.R. 1997 No. 369 as amended by S.R. 1999 No.354 and S.R. 2007 No. 318

	Offence	*Fixed Penalty*
5.	A fixed penalty offence under Article 90 of the Road Traffic (Northern Ireland) Order 1981	£200
6.	A fixed penalty offence under Article 80(1) of the Road Traffic (Northern Ireland) Order 1995(**11**)	£200
7.	A fixed penalty offence under regulation 7(3) of the Passenger and Goods Vehicles (Recording Equipment) Regulations (Northern Ireland) 1996(**12**)	£200
8.	A fixed penalty offence under regulation 7D of the Passenger and Goods Vehicles (Recording Equipment) Regulations (Northern Ireland) 1996(**13**)	£200
9.	A fixed penalty offence under Article 91E(6) of the Road Traffic Offenders (Northern Ireland) Order 1996(**14**)	£200
10.	A fixed penalty offence under Article 177 of the Road Traffic (Northern Ireland) Order 1981(**15**)	£120
11.	A fixed penalty offence under regulation 3 of the Goods Vehicles (Community Authorisations) Regulations 1992(**16**)	£60
12.	A fixed penalty offence under section 33(1) of the Vehicle Excise and Registration Act 1994(**17**)	£60
13.	A fixed penalty offence under Article 63 of the Road Traffic (Northern Ireland) Order 1995(**18**)	£60
14.	A fixed penalty offence under regulation 2 of the Road Service Licensing (Community Licences) Regulations (Northern Ireland) 2002(**19**)	£60
15.	Any other fixed penalty offence involving obligatory endorsement	£60
16.	Any other fixed penalty offence.	£30

In this Schedule a "fixed penalty offence" is an offence specified in the Road Traffic (Fixed Penalty) (Offences) Order (Northern Ireland) 1997(**20**).

SCHEDULE 2

Article 2A

Graduated Fixed Penalties

1. Article 56(1) of the Road Traffic (Northern Ireland) Order 1981

(**11**) S.I. 1995 No. 2994 (N.I. 18)
(**12**) S.R. 1996 No. 145
(**13**) Regulation 7D was inserted by regulation 7(1) of S.R. 2006 No. 274
(**14**) Article 91E is inserted by Article 12(1) of S.I. 2007/ 946 (N.I. 10)
(**15**) Article 177 was amended by S.I. 1996/1320 (N.I. 10) and S.I. 1997/276 (N.I. 2)
(**16**) S.I. 1992/3077
(**17**) 1994 c.22
(**18**) Article 63 was amended by Article 2(2) of S.I. 2004/1990 (N.I. 14)
(**19**) S.R. 2002 No. 116
(**20**) S.R. 1997 No. 369 as amended by S.R. 1999 No.354 and S.R. 2007 No. 318

(1) Nature of contravention or failure constituting the offence	*(2) Seriousness of offence and applicable amount of penalty*		
	£60	*£120*	*£200*
1. Driving a vehicle or vehicles for more than 10 hours, contrary to regulation 5 of the Drivers' Hours Regulations	More than 10 hours but less than 11 hours driving	11 hours or more but less than 12 hours driving	12 hours or more driving
2. Failure to take an interval for rest and refreshment, contrary to regulation 4 of the Drivers' Hours Regulations	Being on duty for up to 1 hour beyond the required break	Being on duty for 1 hour or more, but less than 2 hours, beyond the required break	Being on duty for 2 hours or more beyond the required break
3. Failing to take a daily rest period between two successive working days, contrary to regulation 6(1) of the Drivers' Hours Regulations	Less than 10 hours but more than 9 hours daily rest	9 hours or less but more than 8 hours daily rest	8 hours or less daily rest
4. Failing to take a daily rest period between two successive working days by a driver of a passenger vehicle to which regulation 6(2) of the Drivers' Hours Regulations applies	Less than 10 hours but more than 9 hours daily rest (or, in the case of a reduced daily rest period, less than 8.5 hours but more than 7.5 hours daily rest)	9 hours or less but more than 8 hours daily rest (or, in the case of a reduced daily rest period, 7.5 hours or less but more than 6.5 hours daily rest)	8 hours or less daily rest (or, in the case of a reduced daily rest period, 6.5 hours or less daily rest)
5. Failing to take a daily rest period between two successive working days by a driver of a goods vehicle to which regulation 6(1) of the Drivers' Hours Regulations applies	Less than 10 hours but more than 9 hours daily rest	9 hours or less but more than 8 hours daily rest	8 hours or less daily rest

2. Article 81 of the Road Traffic (Northern Ireland) Order 1981

(1) Nature of contravention or failure constituting the offence	*(2) Seriousness of offence and applicable amount of penalty*		
	£60	*£120*	*£200*
1. Exceeding 9 hours daily driving, in contravention of paragraph 1 of Article 6(1) of the EC Regulation	More than 9 hours but less than 10 hours driving	10 hours or more but less than 11 hours driving	11 hours or more driving
2. Exceeding 10 hours daily driving,	More than 10 hours but less than 11 hours driving	11 hours or more but less than 12 hours driving	12 hours or more driving

(1) Nature of contravention or failure constituting the offence	*(2) Seriousness of offence and applicable amount of penalty*		
	£60	*£120*	*£200*
in contravention of paragraph 2 of Article 6(1) of the EC Regulation			
3. Exceeding the weekly driving time of 56 hours, in contravention of Article 6(2) of the EC Regulation	More than 56 hours but less than 58 hours driving	58 hours or more but less than 59 hours driving	59 hours or more driving
4. Exceeding 90 hours accumulated driving time in any two consecutive weeks, in contravention of Article 6(3) of the EC Regulation	More than 90 hours but less than 93 hours driving	93 hours or more but less than 94 hours driving	94 hours or more driving
5. Exceeding 4.5 hours driving without a break, in contravention of Article 7 of the EC Regulation	More than 4.5 hours but less than 5.5 hours driving	5.5 hours or more but less than 6.5 hours driving	6.5 hours or more driving
6. Insufficient regular daily rest period in 24 hour period, in contravention of Article 8(1) and (2) of the EC Regulation	Less than 11 hours but more than 10 hours daily rest	10 hours or less but more than 9 hours daily rest	9 hours or less daily rest
7. Insufficient reduced daily rest period in 24 hour period, in contravention of Article 8(1) and (2) of the EC Regulation	Less than 9 hours but more than 8 hours daily rest	8 hours or less but more than 7 hours daily rest	7 hours or less daily rest
8. Failure to take first rest of at least 3 consecutive hours where daily rest period is split, as required by the first indent of Article 4(g) of the EC Regulation and in contravention of Article 8(1) and (2) of that Regulation	Less than 3 hours but more than 2 hours rest	2 hours or less but more than 1 hours rest	1 hour or less rest
9. Failure to take second rest of at least 9 consecutive hours where daily rest period is split, as required by the first indent of Article 4(g) of the EC Regulation,	Less than 9 hours but more than 8 hours rest	8 hours or less but more than 7 hours rest	7 hours or less rest