STATUTORY RULES OF NORTHERN IRELAND

2011 No. 287

ROAD TRAFFIC AND VEHICLES

The Road Traffic (Fixed Penalty) (Offences) (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 57(2) 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 and Commencement

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

Amendment of the Road Traffic (Fixed Penalty) (Offences) Order (Northern Ireland) 1997

2. Schedule 1 to the Road Traffic (Fixed Penalty) (Offences) Order (Northern Ireland) 1997(**2**) (fixed penalty offences) is amended as follows—

(a) before item 1 (offences under the Road Traffic (Northern Ireland) Order 1981) insert

"**Offences under the Transport Act (Northern Ireland) 1967*(3)***		
A1	Article 4(4) (**4**)	Using motor vehicle on road except under Road Service' licence.
A2	Article 17(3)	Using goods vehicle on road for carriage of

(**1**) S.I. 1996/1320 (NI 10)
(**2**) S.R. 1997 No. 369; relevant amending Regulations are S.R. 2007 No. 318
*(**3**) 1967 C.37*
(**4**) As amended by SRO (NI) 1972/359 and S.I. 1984/703 (NI 3)

"**Offences under the Transport Act (Northern Ireland) 1967*(3)***		
		goods except under vehicle licence.”;

(b) after item 4 (offences under the Road Traffic (Northern Ireland) Order 1981) insert—

“4A	Article 56(3)	Contravention of any requirement of domestic drivers’ hours code.”;

(c) for items item 8 and 9 (offences under the Road Traffic (Northern Ireland) Order 1981) substitute—

“8	Article 81	Contravention of requirement of applicable Community rules as to books, records or documents. Contravention of any requirement of applicable Community rules as to periods of driving, etc. Any person who makes or causes to be made any entry in a book, record or document kept for the purposes of applicable Community rules which he knows to be false or, with intent to deceive, alters or causes to be altered any such entry.
9	Article 86	Failure to comply with prohibition or direction in relation to driving vehicle. Driving, etc., foreign goods vehicle or foreign public service vehicle in contravention of prohibition etc.”;

(d) for item 16 (offences under the Vehicle Excise and Registration Act 1994) substitute—

“16	Section 34	Misuse of trade licences.

(3) *1967 C.37*

		Using trade licence for unauthorised purposes or in unauthorised circumstances, etc.”;

(e) after item 39 (offences under the Road Traffic (Northern Ireland) Order 1995) insert—

“39A	Article 80(1)	Driving, etc., vehicle in contravention of prohibition on driving it as being unfit for service or overloaded, or failing to comply with direction to remove a vehicle found overloaded.
Offences under the Road Traffic Offenders (Northern Ireland) Order 1996		
39B	Article 91E (**5**)	Driving, etc., vehicle in contravention of prohibition on driving, or failing to comply with direction to remove vehicle on failure to make a financial penalty deposit payment. ”;

(f) after item 51 (offences against regulations made under the Road Traffic (Northern Ireland) Order 1981) insert—

“**Offences under the European Communities (International Passenger Services) Regulations (Northern Ireland) 1987*(6)***		
52	Regulation 19(1)	Using vehicle for Community regulated carriage of passengers by road otherwise than in accordance with authorisation or certificate, etc.

(**5**) Article 91E is inserted by Article 12 of S.I. 2007 No. 916

*(**6**)* *S.R. 1987 No. 383*

"**Offences under the European Communities (International Passenger Services) Regulations (Northern Ireland) 1987*(6)***		
53	Regulation 19(2)	Using vehicle for ASOR regulated or Community regulated carriage of passengers by road without having correctly completed passenger waybill or without carrying top copy of waybill on vehicle throughout journey.
Offences under the Goods Vehicles (Community Authorisations) Regulations 1992(7)		
54	Regulation 3	Using goods vehicle without Community authorisation
55	Regulation 7	Using vehicle under Community authorisation in contravention of conditions governing authorisation.
Offences under the Passenger and Goods Vehicles (Recording Equipment) Regulations (Northern Ireland) 1996(8)		
56	Regulation 3	Using vehicle in contravention of requirements relating to installation, use or repair of recording equipment in accordance with Community Recording Equipment Regulation

(6) *S.R. 1987 No. 383*
(7) **S.I. 1992 No. 3077**
(8) **S.R. 1996 No. 145**