STATUTORY RULES OF NORTHERN IRELAND

2010 No. 372

CRIMINAL PROCEDURE

The Road Traffic Fixed Penalty (Procedure) (Vehicle Examiners) Regulations (Northern Ireland) 2010

Made - - - -	*9th November 2010*
Coming into operation	*14th December 2010*

The Department of the Environment makes the following Regulations in exercise of the powers conferred by Articles 62(3)(a) and 88(1) of the Road Traffic Offenders (Northern Ireland) Order 1996(**1**).

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

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Road Traffic Fixed Penalty (Procedure) (Vehicle Examiners) Regulations (Northern Ireland) 2010 and shall come into operation on 14th December 2010.

(2) In these Regulations "the Order" means the Road Traffic Offenders (Northern Ireland) Order 1996.

Application

2. These Regulations apply in cases where a fixed penalty notice is given by a vehicle examiner in accordance with Article 60 (notices on-the-spot etc.) of the Order(**2**).

Documents or information to be provided

3. The documents described in column 1 of the Schedule (as referred to in the provisions of the Order specified in column 2 of the Schedule) shall contain the information, or, as the case may be, further information prescribed in column 3 of the Schedule.

(**1**) S.I. 1996/1320 (N.I. 10); *see* Article 2(2) for the definition of "Department"; this definition was inserted by S.I. 2007/916 (N.I. 10), Schedule 7, paragraph 15(a); Article 88 was amended by S.I. 2007/916 (N.I. 10), Schedule 2, paragraph 22, and Schedule 4, paragraph 26

(**2**) Article 60 was amended by S.I. 2007/916 (N.I. 10), Article 39(4), Schedule 2, paragraph 4, Schedule 4, paragraph 13, and Schedule 8, Part III

Remittance

4. If payment of the fixed penalty is made by a person otherwise than as required by the fixed penalty notice, the Department shall return the remittance to that person.

Return of driving licence (if so held)

5. Where—

(a) the person to whom the fixed penalty notice was given holds a driving licence;

(b) the suspended enforcement period has expired;

(c) the fixed penalty has not been paid; and

(d) either that person has requested a hearing under Article 61(2) or no registration certificate has been issued under Article 75(2) of the Order,

the Department shall, in the case of an endorsable offence, return the driving licence to that person.

Notification of registration of sum

6. Where, in a case involving an endorsable offence, any sum is registered under Article 76 of the Order for enforcement against that person as a fine, the clerk of petty sessions for the court where the sum is registered shall notify the Department that the sum has been registered.

Receipt for payment

7. Where a fixed penalty is paid within the suspended enforcement period the Department shall send a receipt for the payment, if requested, to the payer.

Licence receipts

8. For the purposes of Article 62(3)(a) of the Order, there is prescribed a period of two months beginning with the same date of issue.

Sealed with the Official Seal of the Department of the Environment on 9th November 2010.

L.S.

Deirdre Kenny
A senior officer of the Department of the Environment