STATUTORY RULES OF NORTHERN IRELAND

1997 No. 374

CRIMINAL PROCEDURE

Road Traffic Fixed Penalty (Procedure) Regulations (Northern Ireland) 1997

Made - - - -	*14th August 1997*
Coming into operation	*1st October 1997*

The Department of the Environment, in exercise of the powers conferred on it by Articles 62(3), 71(8) and 88(1) of the Road Traffic Offenders (Northern Ireland) Order 1996(**1**), and after consultation with the organisations mentioned in Article 91(1) of that Order, hereby makes the following Regulations—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Road Traffic Fixed Penalty (Procedure) Regulations (Northern Ireland) 1997 and shall come into operation on 1st October 1997.

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

Information to be provided in documents

2.—(1) Subject to paragraph (2), in the documents described in column 1 of Schedule 1 and referred to in the provisions of the Order specified in column 2 there shall be provided the information or, as the case may be, further information prescribed in column 3.

(2) The information prescribed in Schedule 1 in relation to a fixed penalty notice need not be provided if the offender's driving licence would not be subject to endorsement on conviction of the offence in respect of which the notice was given.

Procedure where fixed penalty given to person or affixed to vehicle

3.—(1) A copy of any fixed penalty notice given or affixed under Article 60 or 67 of the Order shall be forwarded by or on behalf of the constable or traffic warden giving or affixing the notice to the fixed penalty clerk unless the fixed penalty clerk has notified the Chief Constable that he does not wish to receive a copy of any such notice.

(**1**) S.I. 1996/1320 (N.I. 10); *see* Article 2(3) of S.I. 1996/1320 (N.I. 10) and Article 2(2) of S.I. 1995/2994 (N.I. 18) for the definition of "the Department" and, in relation to Article 71(8) of S.I. 1996/1320 (N.I. 10), the definition of "prescribed"

(2) Where a fixed penalty notice has been given to a person under Article 60 of the Order and that person has surrendered his driving licence in accordance with that Article the driving licence shall be forwarded by or on behalf of the constable to the fixed penalty clerk.

4.—(1) Where a constable or authorised person has issued a fixed penalty notice to a person under Article 60(5) of the Order, he shall send a notice indicating that fact to the Chief Constable together with that person's driving licence.

(2) Subject to paragraph (3), on receipt of the documents referred to in paragraph (1) the Chief Constable or a person authorised by him to act in that behalf shall send the driving licence and a copy of the notice issued under Article 60(4) of the Order to the fixed penalty clerk and notify him that a fixed penalty notice has been issued under Article 60(5).

(3) The Chief Constable or a person authorised by him to act in that behalf shall not send a copy of the notice issued under Article 60(4) of the Order to the fixed penalty clerk under paragraph (2) if the fixed penalty clerk has notified the Chief Constable that he does not wish to receive a copy of any such notice.

Payment of fixed penalties

5.—(1) On receipt of the remittance in respect of a fixed penalty the fixed penalty clerk shall notify the Chief Constable that the remittance has been received.

(2) If payment of the fixed penalty is made by a person otherwise than as required by the fixed penalty notice the fixed penalty clerk shall return the remittance to that person.

(3) Where a remittance in respect of a fixed penalty is sent by a person to a clerk of petty sessions who is not the fixed penalty clerk specified in the fixed penalty notice, the clerk of petty sessions shall return the remittance to that person.

Where payment of fixed penalty not made

6. Where—

(a) the suspended enforcement period has expired; and

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

(c) either the person to whom the fixed penalty notice was given has requested a hearing under Article 61(2) or 68(3) or no registration certificate has been issued under Article 75(2),

the Chief Constable or a person authorised by him in that behalf shall notify the fixed penalty clerk accordingly and the fixed penalty clerk shall, where an offence involves obligatory endorsement, return the driving licence to the person to whom the fixed penalty notice was given.

Where payment not made and registration certificate issued

7. Where—

(a) the suspended enforcement period has expired; and

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

(c) a registration certificate has been issued under Article 75(2),

the Chief Constable or a person authorised by him in that behalf shall notify the fixed penalty clerk accordingly.

Payment not be accepted following suspended enforcement period

8. Where a fixed penalty notice is issued under Article 60(2) or 60(5) of the Order the fixed penalty clerk shall not accept payment of the fixed penalty after the expiry of the suspended enforcement period.

Receipt of fixed penalty

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

Duration of licence receipt

10. For the purposes of Article 62(3)(a) of the Order (which provides that a licence receipt issued by a constable is to cease to have effect on the expiration of the period of one month beginning with the date of issue) there shall be prescribed the longer period of two months beginning with the same date.

Hiring agreements

11. The particulars contained in Schedule 2 are hereby prescribed for the purpose of Article 71(8) of the Order (particulars to be contained in hiring agreements).

Revocation

12. The Road Traffic (Fixed Penalty) (Procedure) Regulations (Northern Ireland) 1966(**2**) and the Road Traffic (Fixed Penalty) (Procedure) (Amendment) Regulations (Northern Ireland) 1990(**3**) are hereby revoked.

Sealed with the Official Seal of the Department of the Environment on

14th August 1997.

J. Ritchie
Assistant Secretary

(**2**) S.R. 1966 No. 116
(**3**) S.R. 1990 No. 154