STATUTORY RULES OF NORTHERN IRELAND

1997 No. 344

ROAD TRAFFIC

Road Traffic Fixed Penalties (Enforcement of Fines) Regulations (Northern Ireland) 1997

Made - - - -	*28th July 1997*
To be laid before Parliament	
Coming into operation	*1st October 1997*

The Lord Chancellor, in exercise of the powers conferred on him by Article 76(4) of the Road Traffic Offenders (Northern Ireland) Order 1996(**1**) hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Road Traffic Fixed Penalties (Enforcement of Fines) Regulations (Northern Ireland) 1997 and shall come into operation on 1st October 1997.

Interpretation

2. In these Regulations—

"clerk of petty sessions" has the same meaning as in Article 2(4) of the Magistrates' Courts (Northern Ireland) Order 1981(**2**);

"court" means a resident magistrate sitting in or out of petty sessions held pursuant to Article 11 of the Magistrates' Courts (Northern Ireland) Order 1981;

"complaint" means a complaint for failing to pay a sum payable in default;

"county court division" has the same meaning as in Article 3 of the County Courts (Northern Ireland) Order 1980(**3**);

"defaulter" means a person against whom a sum payable in default has been registered under Article 76(1) of the Offenders Order;

"defendant" means a defaulter against whom a complaint is made;

"notice of registration" means notice of registration in accordance with Article 76(2) of the Offenders Order;

(**1**) S.I.1996/1320 (N.I. 10)
(**2**) S.I. 1981/1675 (N.I. 26)
(**3**) S.I. 1980/397 (N.I. 3)

"petty sessions district" has the same meaning as in Article 11 of the Magistrates' Courts (Northern Ireland) Order 1981(**2**);

"resident magistrate" means a resident magistrate appointed under Part II of the Magistrates' Courts Act (Northern Ireland) 1964(**4**);

"the Offenders Order" means the Road Traffic Offenders (Northern Ireland) Order 1996(**5**);

"sum payable in default" means a sum registered under Article 76 of the Offenders Order for enforcement as a fine.

Procedure on registration of a sum payable in default

3.—(1) This Regulation applies where the Chief Constable, or a person authorised by him to act in that behalf, issues a registration certificate under Article 75 of the Offenders Order.

(2) The clerk of petty sessions directed by the Lord Chancellor under Article 75(3) of the Offenders Order to receive a registration certificate shall upon receipt of such a certificate—

(a) in the Order Book of the court of summary jurisdiction for that petty sessions district sign the entry required to be made by him by Article 76(1) of the Offenders Order; and

(b) give the defaulter notice of registration in the form in the Schedule.

(3) A sum payable in default shall be enforced only in accordance with Regulations 4, 5 and 6.

Enforcement where defaulter fails to pay by due date

4.—(1) This Regulation is subject to Regulation 6 and applies where a defaulter has failed to pay a sum payable in default by the due date.

(2) A resident magistrate or other justice of the peace may, upon complaint made to him by the clerk of petty sessions for the petty sessions district in which the sum payable in default is registered for enforcement as a fine, at any time after the expiration of 14 days from the due date and before the expiration of 6 months from that date—

(a) issue and cause to be served on the defendant a summons for the appearance of the defendant before a court acting for the same petty sessions district in which the sum payable in default is registered; or

(b) by warrant cause the defendant to be brought before a court acting for the same petty sessions district in which the sum payable in default is registered or for any other petty sessions district in the same county court division.

(3) In paragraphs (1) and (2) "the due date" means—

(a) within the time stated in the notice of registration; or

(b) where any application for a longer time to pay than that stated in the notice of registration has been granted by the court under Article 91(1) of the Magistrates' Courts (Northern Ireland) Order 1981 the final date by which payment was to have been made; or

(c) where any application for payment by instalments has been granted by the court under Article 91(1) of the Magistrates' Courts (Northern Ireland) Order 1981 where the defendant has failed to pay any one instalment and the final date by which that instalment was to have been paid has passed.

(4) A warrant shall not be issued under paragraph (2)(*b*) unless the complaint is in writing and substantiated on oath.

(**2**) S.I. 1981/1675 (N.I. 26)
(**4**) 1964 c. 21 (N.I.)
(**5**) S.I. 1996/1320 (N.I. 10)

Procedure where warrant issued

5.—(1) Where a defendant has been taken into custody in pursuance of a warrant issued under Regulation 4(2)(*b*) or paragraph (5) of this Regulation for the purpose of causing him to be brought before a court he shall, if it will not be practicable to bring him before a court within twenty-four hours after he was so taken into custody, be brought, as soon as practicable, before a justice of the peace.

(2) If he thinks fit the justice of the peace may discharge the defendant upon the defendant entering into a recognizance for a reasonable amount to appear before a court at the time and place named in the recognizance.

(3) Where a defendant is not so discharged the justice of the peace shall commit him to prison and direct that he shall be brought before a court as soon as practicable thereafter and in any case not later than seven days from the date of such commitment.

(4) A court before which a defendant is brought under Regulation 4(2)(*b*) or paragraph (5) of this Regulation may hear the complaint in accordance with Regulation 7 or may, if it thinks fit, discharge such person upon his entry into a recognizance for a reasonable amount to appear before a court at the time and place named in the recognizance.

(5) If the defendant fails to appear at the time and place mentioned in a recognizance entered into under paragraph (2) or (4) the court may by warrant cause him to be brought before a court acting for the same petty sessions district in which the sum payable in default is registered or for any other petty sessions district in the same county court division.

Enforcement of sums payable in default where the defaulter is a body corporate

6.—(1) On the registration of any sum payable in default against a body corporate a complaint in accordance with Regulation 4 shall not be required.

(2) If the defaulter is a body corporate the court may, on the application of the clerk of petty sessions for the petty sessions district in which the sum payable in default is registered, make such order under the provisions of the Magistrates' Courts (Northern Ireland) Order 1981 relating to the satisfaction and enforcement of sums adjudged to be paid by a conviction (as modified by paragraph (3)) as it sees fit.

(3) The Magistrates' Courts (Northern Ireland) Order 1981 shall apply to sums payable in default by a body corporate as if—

(a) in Article 91 the words ", subject to Article 93," were omitted;

(b) in Article 92 paragraph (1)—

(i) the words "Subject to this Article and Article 93" were omitted;

(ii) sub-paragraphs (*b*) and (*c*) were omitted;

(c) in Article 92 paragraphs (2), (3) and (5) were omitted;

(d) Articles 93, 94, 96 and 110 were omitted; and

(e) in Article 115(1) after the words "this Order", the words "or under the Road Traffic Fixed Penalties (Enforcement of Fines) Regulations (Northern Ireland) 1997" were inserted.

Procedure at hearing

7.—(1) Subject to paragraph (2) at the hearing of a complaint the court shall hear the evidence and such representations, if any, as may be made to it by or on behalf of the parties and the court may make such order under the provisions of the Magistrates' Courts (Northern Ireland) Order 1981 relating to the satisfaction and enforcement of sums adjudged to be paid by a conviction (as modified by Regulation 8) as it sees fit.