1966. No. 116 [C]

CRIMINAL PROCEDURE

Road Traffic: Fixed Penalty (Procedure)

REGULATIONS, DATED 25TH MAY, 1966, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SECTIONS 17(4), 20(4) AND 48 OF THE ROAD TRAFFIC ACT (NORTHERN IRELAND) 1964.

The Ministry of Home Affairs in pursuance of the powers conferred upon it by Sections 17(4), 20(4) and 48 of the Road Traffic Act (Northern Ireland) 1964(a) hereby makes the following Regulations:—

Citation and Commencement

1. These Regulations may be cited as the Road Traffic (Fixed Penalty) (Procedure) Regulations (Northern Ireland) 1966, and shall come into operation on 1st August, 1966.

Form of notice

2.—(1) A notice under Section 17 or 18 of the Road Traffic Act (Northern Ireland) 1964 offering the opportunity, by payment of a fixed penalty, of the discharge of any liability to conviction of an offence to which Part II of the said Act, other than Section 19, applies (hereafter in these Regulations referred to as "a notice") shall be in the form in the Schedule or in a form to the like effect.

(2) A notice, in specifying an alleged offence, shall contain a reference to the Section of the Act, or as the case may be, the rule, order, regulation, byelaw or other instrument creating the offence.

To whom particulars of notice are to be sent

3.—(1) Particulars of any notice as is referred to in Regulation 2 shall, as soon as practicable, be forwarded, by or on behalf of the constable or traffic warden giving or affixing the notice, to the Clerk of Petty Sessions to whom the fixed penalty is payable.

(2) Where such a notice as is referred to in Regulation 2 specifies an offence for which a local road authority may take criminal proceedings, particulars of the notice shall, as soon as practicable, be forwarded, by or on behalf of the constable or traffic warden giving or affixing the notice, to the local road authority concerned unless the said authority have notified the Inspector General of the Royal Ulster Constabulary in writing that they do not wish to receive particulars of notices relating to that offence.

Payment of fixed penalties

4. Payment of a fixed penalty shall be made to the Clerk of Petty Sessions for the Petty Sessions district in which the offence alleged was committed.

Identification of fixed penalty

5.—(1) The person paying a fixed penalty shall either forward with the remittance Part II of the relevant notice or identify the notice by specifying its serial number.

(a) 1964. c. 20 (N.I.).

(2) If, owing to the failure of the person paying a fixed penalty to comply with the provisions of paragraph (1), the Clerk of Petty Sessions is unable to identify the relevant notice, the Clerk shall, as soon as practicable, return the remittance to that person.

Tendering of less than full amount

6. If less than the full amount of a fixed penalty is tendered to a Clerk of Petty Sessions in payment of the fixed penalty, the Clerk of Petty Sessions shall, as soon as practicable, return to the sender the amount tendered.

Where criminal proceedings are to be taken

7.—(1) Where criminal proceedings in respect of the act or omission constituting the offence specified in a notice are taken by a constable, traffic warden or local road authority, notification thereof shall, as soon as possible, be given by or on behalf of the constable, traffic warden or local road authority to the Clerk of Petty Sessions specified in the notice.

(2) The Clerk of Petty Sessions shall not, after receiving the said notification, accept payment of the fixed penalty to which the notice relates.

Receipt of fixed penalty

8. Subject to the foregoing provisions of these Regulations a Clerk of Petty Sessions shall as soon as practicable after payment of a fixed penalty has been made to him—

(*a*) give to the payer a receipt for the payment; and

(*b*) inform the person in charge of the Fixed Penalty Office of the Royal Ulster Constabulary for the area in which the alleged offence was committed of the payment.

Sealed with the Official Seal of the Ministry of Home Affairs for Northern Ireland this 25th day of May, 1966.

(L.S.) *J. W. E. Cathcart,*
Assistant Secretary.