

2011 No. 288

ROAD TRAFFIC AND VEHICLES

The Road Traffic (Fixed Penalty) (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 59(1) of the Road Traffic Offenders (Northern Ireland) Order 1996(a).

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

Citation, commencement and application

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

(2) This Order applies in relation to fixed penalty offences alleged to have been committed on or after 12th September 2011.

Amendment of the Road Traffic (Fixed Penalty) Order

2.—(1) The Road Traffic (Fixed Penalty) Order (Northern Ireland) 2007(b) is amended in accordance with paragraphs (2) to (5).

(2) After Article 1 insert—

“Interpretation

1A. In Schedule 2—

“the AETR” means the European Agreement(c) concerning the Work of Crews of Vehicles engaged in International Road Transport of 1 July 1970, as amended, as applied by Article 2(3) of the EC Regulation;

“the Authorised Weights Regulations” means the Motor Vehicles (Authorised Weight) Regulations (Northern Ireland) 1999(d);

(a) S.I. 1996/1320 (N.I. 10), Article 59 renumbered by Article 22 of S.I. 2007/916 (N.I. 10)

(b) S.R. 2007 No. 319

(c) Cmnd7401. Amendments are published in Cmnd 8572, Cmnd 9037, Cm 1776, Cm 3042 and Cm 3135. A consolidated version of the Agreement, including all amendments, is available from <http://www.unece.org/trans/doc/2006/sc1/ECE-TRANS-SC1-2006-02e.pdf>

(d) S.R.1999 No. 258

“the Community Recording Equipment Regulation” has the meaning given in regulation 2(1) of the Passenger and Goods Vehicles (Recording Equipment) Regulations (Northern Ireland) 1996(a);

“the Construction and Use Regulations” means the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999(b);

“the Drivers’ Hours Regulations” means the Vehicles (Drivers’ Hours of Duty) Regulations 1991(c);

“the EC Regulation” means Regulation (EC) No. 561/2006 of the European Parliament and of the Council(d) as amended from time to time.”.

(3) In Article 2—

(a) for “the Schedule”, substitute “Schedule 1”; and

(b) after “column (2)” add “of that Schedule”.

(4) After Article 2 insert—

“Graduated fixed penalties

2A. The amount of the fixed penalty for an offence specified in Schedule 2 shall be the amount indicated in relation to that offence by that Schedule, by reference to the circumstances of the offence, those being the nature of the contravention, and, where specified, its seriousness.”.

(5) For the Schedule substitute—

“SCHEDULE 1

Article 2

Fixed Penalties

	<i>Offence</i>	<i>Fixed Penalty</i>
1.	A fixed penalty offence under section 4(4) of the Transport Act (Northern Ireland) 1967(e)	£200
2.	A fixed penalty offence under section 17(3) of the Transport Act (Northern Ireland) 1967	£200
3.	A fixed penalty offence under Article 81(2) of the Road Traffic (Northern Ireland) Order 1981(f)	£200
4.	A fixed penalty offence under Article 86 of the Road Traffic (Northern Ireland) Order 1981	£200
5.	A fixed penalty offence under Article 90 of the Road Traffic (Northern Ireland) Order 1981	£200
6.	A fixed penalty offence under Article 80(1) of the Road Traffic (Northern Ireland) Order 1995(g)	£200
7.	A fixed penalty offence under regulation 7(3) of the Passenger and Goods Vehicles (Recording Equipment) Regulations (Northern Ireland) 1996(h)	£200

(a) S.R. 1996 No. 145

(b) S.R. 1999 No.454

(c) S.R. 1991 No. 144 as amended by S.R. 1992 No. 370

(d) O.J. No. L102, 11.04.06, p. 1.

(e) 1967 c37; relevant amending regulations S.R. 1972 No. 359 and S.I. 1984 No. 703 (N.I. 3)

(f) S.I. 1981/154 (N.I. 1)

(g) S.I. 1995 No. 2994 (N.I. 18)

(h) S.R. 1996 No. 145

8.	A fixed penalty offence under regulation 7D of the Passenger and Goods Vehicles (Recording Equipment) Regulations (Northern Ireland) 1996(a)	£200
9.	A fixed penalty offence under Article 91E(6) of the Road Traffic Offenders (Northern Ireland) Order 1996(b)	£200
10.	A fixed penalty offence under Article 177 of the Road Traffic (Northern Ireland) Order 1981(c)	£120
11.	A fixed penalty offence under regulation 3 of the Goods Vehicles (Community Authorisations) Regulations 1992(d)	£60
12.	A fixed penalty offence under section 33(1) of the Vehicle Excise and Registration Act 1994(e)	£60
13.	A fixed penalty offence under Article 63 of the Road Traffic (Northern Ireland) Order 1995(f)	£60
14.	A fixed penalty offence under regulation 2 of the Road Service Licensing (Community Licences) Regulations (Northern Ireland) 2002(g)	£60
15.	Any other fixed penalty offence involving obligatory endorsement	£60
16.	Any other fixed penalty offence.	£30

In this Schedule a “fixed penalty offence” is an offence specified in the Road Traffic (Fixed Penalty) (Offences) Order (Northern Ireland) 1997(h).

SCHEDULE 2

Article 2A

Graduated Fixed Penalties

1. Article 56(1) of the Road Traffic (Northern Ireland) Order 1981

(1) Nature of contravention or failure constituting the offence	(2) Seriousness of offence and applicable amount of penalty		
	£60	£120	£200
1. Driving a vehicle or vehicles for more than 10 hours, contrary to regulation 5 of the Drivers' Hours Regulations	More than 10 hours but less than 11 hours driving	11 hours or more but less than 12 hours driving	12 hours or more driving
2. Failure to take an interval for rest and refreshment, contrary to regulation 4 of the Drivers' Hours Regulations	Being on duty for up to 1 hour beyond the required break	Being on duty for 1 hour or more, but less than 2 hours, beyond the required break	Being on duty for 2 hours or more beyond the required break
3. Failing to take a daily rest period between two	Less than 10 hours but more than 9 hours daily rest	9 hours or less but more than 8 hours daily rest	8 hours or less daily rest

(a) Regulation 7D was inserted by regulation 7(1) of S.R. 2006 No. 274

(b) Article 91E is inserted by Article 12(1) of S.I. 2007/946 (N.I. 10)

(c) Article 177 was amended by S.I. 1996/1320 (N.I. 10) and S.I. 1997/276 (N.I. 2)

(d) S.I. 1992/3077

(e) 1994 c.22

(f) Article 63 was amended by Article 2(2) of S.I. 2004/1990 (N.I. 14)

(g) S.R. 2002 No. 116

(h) S.R. 1997 No. 369 as amended by S.R. 1999 No.354 and S.R. 2007 No. 318

successive working days, contrary to regulation 6(1) of the Drivers' Hours Regulations			
4. Failing to take a daily rest period between two successive working days by a driver of a passenger vehicle to which regulation 6(2) of the Drivers' Hours Regulations applies	Less than 10 hours but more than 9 hours daily rest (or, in the case of a reduced daily rest period, less than 8.5 hours but more than 7.5 hours daily rest)	9 hours or less but more than 8 hours daily rest (or, in the case of a reduced daily rest period, 7.5 hours or less but more than 6.5 hours daily rest)	8 hours or less daily rest (or, in the case of a reduced daily rest period, 6.5 hours or less daily rest)
5. Failing to take a daily rest period between two successive working days by a driver of a goods vehicle to which regulation 6(1) of the Drivers' Hours Regulations applies	Less than 10 hours but more than 9 hours daily rest	9 hours or less but more than 8 hours daily rest	8 hours or less daily rest

2. Article 81 of the Road Traffic (Northern Ireland) Order 1981

(1) Nature of contravention or failure constituting the offence	(2) Seriousness of offence and applicable amount of penalty		
	£60	£120	£200
1. Exceeding 9 hours daily driving, in contravention of paragraph 1 of Article 6(1) of the EC Regulation	More than 9 hours but less than 10 hours driving	10 hours or more but less than 11 hours driving	11 hours or more driving
2. Exceeding 10 hours daily driving, in contravention of paragraph 2 of Article 6(1) of the EC Regulation	More than 10 hours but less than 11 hours driving	11 hours or more but less than 12 hours driving	12 hours or more driving
3. Exceeding the weekly driving time of 56 hours, in contravention of Article 6(2) of the EC Regulation	More than 56 hours but less than 58 hours driving	58 hours or more but less than 59 hours driving	59 hours or more driving
4. Exceeding 90 hours accumulated driving time in any two consecutive weeks, in contravention of Article 6(3) of the EC Regulation	More than 90 hours but less than 93 hours driving	93 hours or more but less than 94 hours driving	94 hours or more driving
5. Exceeding 4.5	More than 4.5 hours	5.5 hours or more but	6.5 hours or more

hours driving without a break, in contravention of Article 7 of the EC Regulation	but less than 5.5 hours driving	less than 6.5 hours driving	driving
6. Insufficient regular daily rest period in 24 hour period, in contravention of Article 8(1) and (2) of the EC Regulation	Less than 11 hours but more than 10 hours daily rest	10 hours or less but more than 9 hours daily rest	9 hours or less daily rest
7. Insufficient reduced daily rest period in 24 hour period, in contravention of Article 8(1) and (2) of the EC Regulation	Less than 9 hours but more than 8 hours daily rest	8 hours or less but more than 7 hours daily rest	7 hours or less daily rest
8. Failure to take first rest of at least 3 consecutive hours where daily rest period is split, as required by the first indent of Article 4(g) of the EC Regulation and in contravention of Article 8(1) and (2) of that Regulation	Less than 3 hours but more than 2 hours rest	2 hours or less but more than 1 hours rest	1 hour or less rest
9. Failure to take second rest of at least 9 consecutive hours where daily rest period is split, as required by the first indent of Article 4(g) of the EC Regulation, and in contravention of Article 8(1) and (2) of that Regulation	Less than 9 hours but more than 8 hours rest	8 hours or less but more than 7 hours rest	7 hours or less rest
10. Failure to take daily rest period of at least 12 hours in total, where regular daily rest period is split, as required by the first indent of Article 4(g) of the EC Regulation and in contravention of Article 8(1) and (2) of that Regulation	Less than 12 hours but more than 11 hours rest	11 hours or less but more than 10 hours rest	10 hours or less rest
11. Insufficient rest in 30 hour period by a driver engaged in multi-manning, in contravention of Article 8(1) and (5) of	Less than 9 but more than 8 hours rest	8 hours or less but more than 7 hours rest	7 hours or less rest

the EC Regulation			
12. Insufficient regular weekly rest period, in contravention of Article 8(1) and (6) of the EC Regulation	Less than 45 hours but more than 43 hours weekly rest	43 hours or less but more than 42 hours weekly rest	42 hours or less weekly rest
13. Insufficient reduced weekly rest period, in contravention of Article 8(1) and (6) of the EC Regulation	Less than 24 hours but more than 22 hours rest	22 hours or less but more than 21 hours rest	21 hours or less rest
14. Failure to take equivalent period of compensatory rest before the end of the third week where reduced weekly rest period has been taken, as required by the second indent of Article 8(6) of the EC Regulation	Up to 3 hours less rest than required	3 hours or more but less than 4 hours less rest than required	4 hours or more less rest than required
15. Exceeding 9 hours daily driving, in contravention of the first sub-paragraph of Article 6.1 of the AETR	More than 9 hours but less than 10 hours driving	10 hours or more but less than 11 hours driving	11 hours or more driving
16. Exceeding 10 hours daily driving (where permitted), in contravention of the first sub-paragraph of Article 6.1 of the AETR	More than 10 hours but less than 11 hours driving	11 hours or more but less than 12 hours driving	12 hours or more driving
17. Exceeding 90 hours total period of driving in any one fortnight, in contravention of Article 6.2 of the AETR	More than 90 hours but less than 93 hours driving	93 hours or more but less than 94 hours driving	94 hours or more driving
18. Exceeding 4.5 hours driving without a break, in contravention of Article 7.1 of the AETR	More than 4.5 hours but less than 5.5 hours driving	5.5 hours or more but less than 6.5 hours driving	6.5 hours or more driving
19. Insufficient daily rest period in 24 hour period in contravention of the first sub-paragraph of Article 8.1 of the	Less than 11 hours but more than 10 hours rest	10 hours or less but more than 9 hours rest	9 hours or less rest

AETR			
20. Insufficient reduced daily rest period (where permitted) in 24 hour period in contravention of the first sub-paragraph of Article 8.1 of the AETR	Less than 9 hours but more than 8 hours rest	8 hours or less but more than 7 hours rest	7 hours or less rest
21. Failure to take equivalent period of compensatory rest before the end of the following week, in accordance with Article 8.1 of the AETR, where reduced daily rest periods taken	Up to 3 hours less rest than required	3 hours or more but less than 4 hours less rest than required	4 hours or more less rest than required
22. Failure to take rest of at least 8 consecutive hours, in accordance with Article 8.1 of the AETR, where daily rest period is split	Less than 8 hours but more than 7 hours rest	7 hours or less but more than 6 hours rest	6 hours or less rest
23. Failure to take daily rest period of 12 hours in total, in accordance with Article 8.1 of the AETR, where regular daily rest period is split	Less than 12 hours but more than 11 hours rest	11 hours or less but more than 10 hours rest	10 hours or less rest
24. Insufficient consecutive rest period of 8 hours in 30 hour period where vehicle is manned by at least two drivers, in contravention of Article 8.2 of the AETR	Less than 8 hours but more than 7 hours rest	7 hours or less but more than 6 hours rest	6 hours or less rest
25. Insufficient regular weekly rest period, in contravention of Articles 6.1 and 8.3 of the AETR	Less than 45 hours but more than 43 hours rest	43 hours or less but more than 42 hours rest	42 hours or less rest
26. Insufficient reduced weekly rest period if taken where the vehicle is normally based or where the driver is	Less than 36 hours but more than 34 hours rest	34 hours or less but more than 33 hours rest	33 hours or less rest

based, in contravention of Articles 6.1 and 8.3 of the AETR			
27. Insufficient reduced weekly rest period of 24 hours if taken elsewhere than where the vehicle is normally based, in contravention of Articles 6.1 and 8.3 of the AETR	Less than 24 hours but more than 22 hours rest	22 hours rest or less but more than 21 hours rest	21 hours or less rest
28. Failure to take sufficient compensatory rest for reductions in weekly rest period before the end of the third week in question, in contravention of Articles 6.1 and 8.3 of the AETR	Up to 3 hours less rest than required	3 hours or more but less than 4 hours less rest than required	4 hours or more less rest than required

3. Article 56 of the Road Traffic (Northern Ireland) Order 1995

<i>(1) Nature of contravention or failure constituting the offence</i>	<i>(2) Amount of penalty</i>
1. Contravention of regulation 32(1)(g) (condition and maintenance of tyres) of the Construction and Use Regulations	£120

4. Article 57 of the Road Traffic (Northern Ireland) Order 1995

<i>(1) Nature of contravention or the failure constituting the offence</i>	<i>(2) Seriousness of offence and amount of penalty</i>		
	<i>£60</i>	<i>£120</i>	<i>£200</i>
1. Exceeding maximum authorised weight of vehicle, contrary to regulation 4(1)(a) of the Authorised Weight Regulations	Exceeding weight by up to 10%	Exceeding weight by 10% or more, but less than 15%	Exceeding weight by 15% or more
2. Exceeding maximum authorised weight of vehicle combination, contrary to regulation 4(1)(b) of the Authorised Weight Regulations	Exceeding weight by up to 10%	Exceeding weight by 10% or more, but less than 15%	Exceeding weight by 15% or more
3. Exceeding maximum authorised weight of axle,	Exceeding weight by up to 10%	Exceeding weight by 10% or more, but less than 15%	Exceeding weight by 15% or more

contrary to regulation 4(1)(c) of the Authorised Weight Regulations			
4. Exceeding maximum permitted laden weight of a vehicle, contrary to regulation 87(1) of, and Parts I, IA and II of Schedule 13 to, the Construction and Use Regulations	Exceeding weight by up to 10%	Exceeding weight by 10% or more, but less than 15%	Exceeding weight by 15% or more
5. Exceeding maximum permitted laden weight of trailer, contrary to regulation 87(3) of the Construction and Use Regulations	Exceeding weight by up to 10%	Exceeding weight by 10% or more but less than 15%	Exceeding weight by 15% or more
6. Exceeding maximum permitted laden weight of a vehicle and trailer, other than an articulated vehicle, contrary to regulation 88(1) of the Construction and Use Regulations	Exceeding weight by up to 10%	Exceeding weight by 10% or more, but less than 15%	Exceeding weight by 15% or more
7. Exceeding any weights shown on the plate fitted in accordance with regulation 79 of the Construction and Use Regulations, contrary to regulation 93(1)(a) of those Regulations	Exceeding weight by up to 10%	Exceeding weight by 10% or more, but less than 15%	Exceeding weight by 15% or more
8. Exceeding maximum gross weight in respect of an agricultural trailed appliance, contrary to regulation 93(1)(b) of the Construction and Use Regulations	Exceeding weight by up to 10%	Exceeding weight by 10% or more , but less than 15%	Exceeding weight by 15% or more
9. Exceeding sum of weights in respect of axles fitted with a compensating arrangement, contrary to regulation 93(2) of the Construction and Use Regulations	Exceeding weight by up to 10%	Exceeding weight by 10% or more, but less than 15%	Exceeding weight by 15% or more

5. Article 58 of the Road Traffic (Northern Ireland) Order 1995

<i>(1) Nature of contravention or failure constituting the offence</i>	<i>(2) Amount of penalty</i>
1. Failure to meet requirements regarding speed limiters, in accordance with regulation 42(2) of the Construction and Use Regulations	£120
2. Failure to meet requirements regarding speed limiters, in accordance with regulation 43(2) of the Construction and Use Regulations	£120
3. Failure to maintain vehicle, etc., or to carry, etc., passengers in accordance with regulation 115(1) of the Construction and Use Regulations, so as not to be a danger	£60
4. Failure to carry load in a secure manner, etc., in accordance with regulation 115(2) of the Construction and Use Regulations, so as not to be a danger or a nuisance	£60
5. Failure to use vehicle for suitable purposes, in accordance with regulation 115(3) of the Construction and Use Regulations, so as not to be a danger or nuisance	£60

6. Regulation 3 of the Passenger and Goods Vehicles (Recording Equipment) Regulations (Northern Ireland) 1996

<i>(1) Nature of contravention or failure constituting the offence</i>	<i>(2) Amount of penalty</i>
1. Failure to ensure recording equipment installed in accordance with Article 3(1) of the Community Recording Equipment Regulation	£200
2. Failure to ensure correct functioning of recording equipment or driver card, in accordance with Article 13 of the Community Recording Equipment Regulation	£60
3. Failure to ensure the proper use of the recording equipment, in accordance with Article 13 of the Community Recording Equipment Regulation	£120
4. Failing to ensure the proper use of the driver card, in accordance with Article 13 of the Community Recording Equipment Regulation	£200
5. Failing to ensure that printing can be carried out correctly in the event of an inspection (other than a failure to provide sufficient printing material), in accordance with Article 14(1) of the Community Recording Equipment Regulation	£120
6. Failing to ensure that printing can be carried out correctly in the event of an inspection by a failure to provide sufficient printing material, in accordance with Article 14(1) of the Community Recording Equipment Regulation	£60
7. Using a driver card of which the driver is not the holder, contrary to Article 14(4)(a) of the Community Recording Equipment Regulation	£200

8. Using a defective driver card, contrary to Article 14(4)(a) of the Community Recording Equipment Regulation	£60
9. Failure, at the start of the journey, to print out information required, etc, in accordance with Article 15(1)(a) of the Community Recording Equipment Regulation	£120
10. Failure, at the end of the journey, to print out the information required, etc, in accordance with Article 15(1)(b) of the Community Recording Equipment Regulation	£120
11. Failure to use record sheets or driver card, in accordance with Article 15(2) of the Community Recording Equipment Regulation	£200
12. Unauthorised withdrawal of record sheet or driver card, contrary to Article 15(2) of the Community Recording Equipment Regulation	£120
13. Failure to enter legibly on the record sheet, when away from the vehicle, periods of time, in accordance with Article 15(2) of the Community Recording Equipment Regulation	£120
14. Failure to amend record sheet or driver card as necessary when more than one driver on board the vehicle, in accordance with Article 15(2) of the Community Recording Equipment Regulation	£120"

Sealed with the Official Seal of the Department of the Environment on 28th July 2011



Deirdre Kenny
 A senior officer of the
 Department of the Environment

EXPLANATORY NOTE

(This note is not part of the Regulations)

This Order prescribes the amount of fixed penalties for certain fixed penalty offences by amending the Road Traffic (Fixed Penalty) Order (Northern Ireland) 2007 (“the Principal Order”).

It amends the Principal Order to provide for new fixed penalty offences which have been specified as such by Article 2 of the Road Traffic (Fixed Penalty) (Offences) (Amendment) (Order) (Northern Ireland) 2011. The new fixed penalties relate to record keeping (including obstructing an officer or failing to comply with requirements), failure to comply with a prohibition issued in respect of a bus, coach or goods vehicle except under a public service vehicle or Roads Service licence, and failing to hold the required Community licence or authorisation.

The Order also provides that, in respect of certain offences, the applicable amount of the fixed penalty is to be determined according to the nature of the contravention or failure constituting the offence and, in specified cases, its seriousness. The offences in question relate to drivers’ hours (and related recording equipment) for goods and public passenger vehicles, certain roadworthiness defects, and overloading. The applicable amount, determined in relation to the nature of the offence and, in specified cases, its seriousness, is set out in column (2) of each of the tables in the new Schedule 2 (Article 2(4) and (5)).

An Explanatory Memorandum and a Regulatory Impact Assessment has been produced and is available from Road Safety Division, Department of the Environment, Clarence Court, 10-18 Adelaide Street, Belfast BT2 8GB or viewed online at <http://www.legislation.gov.uk/nisr>.

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