

2011 No. 379

ROAD TRAFFIC AND VEHICLES

The Road Traffic (Fixed Penalty) (Offences) (Amendment No. 2) Order (Northern Ireland) 2011

Made - - - - - *26th October 2011*

Coming into operation - *5th December 2011*

The Department of the Environment makes the following Order in exercise of the powers conferred by Article 57(2) 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 and commencement

1. This Order may be cited as the Road Traffic (Fixed Penalty) (Offences) (Amendment No. 2) Order (Northern Ireland) 2011 and shall come into operation on 5th December 2011.

Amendment of the Road Traffic (Fixed Penalty) (Offences) Order (Northern Ireland) 1997

2. Schedule 1 to the Road Traffic (Fixed Penalty) (Offences) Order (Northern Ireland) 1997(b) (fixed penalty offences) is amended as follows—

- (a) in items A1 and A2(c) for “Article” substitute “Section”;
- (b) before item 1 and before the cross heading which precedes that item insert—

“Offences under the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978(d)		
A3	Section 14(4BA) and (4BC)(e)	Failure to produce disabled person’s badge.
A4	Section 14B(1) and (3)(f)	Wrongful use of disabled person’s badge.”

- (c) after item 7 insert—

(a) S.I. 1996/1320 (N.I. 10)
(b) S.R. 1997 No. 369, as amended by S.R. 1999 No. 354 and S.R. 2007 No. 318
(c) Items A1 and A2 were inserted by Article 2(a) of S.R. 2011 No. 287
(d) 1978 c. 53
(e) Section 14(4BA) and (4BC) was inserted by Article 32(4) of S.I. 2005/1964 (N.I. 14)
(f) Section 14B(1) and (3) was inserted by Article 34 of S.I. 2005/1964 (N.I. 14)

“7A	Article 79A(7)(a)	Driving a taxi when it is standing or plying for hire or carrying passengers for hire with no taxi driver’s licence.”.
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- (d) omit item 12;
- (e) omit items 48 and 49;
- (f) after item 51 insert—

“51A	Article 92 of the Road Traffic Offenders (Northern Ireland) Order 1996 in relation to the following provisions of the Motor Vehicles (Taxi Drivers’ Licences) Regulations (Northern Ireland) 1991(b) that is to say—	
	(a) regulation 7(4); and	Failure by a taxi driver to wear a badge supplied by the Department.
	(b) regulation 7(6)	Mutilating or defacing a taxi driver’s identification badge or transferring the badge to another person.
51B	Article 92 of the Road Traffic Offenders (Northern Ireland) Order 1996 in relation to the following provisions of the Public Service Vehicles Regulations (Northern Ireland) 1985(c) that is to say—	
	(a) regulation 7(9)(d);	Failure to affix and display external plates in the correct position.
	(b) regulation 7(10);	Failure to affix and display internal windscreen plates in the correct position.
	(c) regulation 7(11);	Failure to affix and display rear passenger side window labels in the correct position.
	(d) regulation 14(e); and	Defacing, altering or mutilating a licence, disc or plate.
		Displaying a disc or plate that has been

(a) Article 79A was inserted by Article 6 of, and Schedule 3 to, S.I. 1991/197 (N.I. 3)
(b) S.R. 1991 No. 454, to which there are amendments not relevant to these Regulations
(c) S.R. 1985 No. 123, to which there are amendments not relevant to these Regulations
(d) Regulation 7 was substituted by regulation 4 of S.R. 2004 No. 413
(e) Regulation 14 was substituted by regulation 7 of S.R. 2004 No. 413

		defaced, altered or mutilated.
	(e) regulation 49	Touting, calling out or otherwise importuning any person to be carried for hire in the vehicle.
51C	Article 92 of the Road Traffic Offenders (Northern Ireland) Order 1996 in relation to the following provisions of the Public Service Vehicles (Conditions of Fitness Equipment and Use) Regulations (Northern Ireland) 1995(a) that is to say—	
	(a) regulation 42; and	Failure to have a fire extinguishing apparatus in a public service vehicle.
	(b) regulation 45(b)	Failure to have a spare wheel or puncture repair kit in a public service vehicle.”.

Sealed with the Official Seal of the Department of the Environment on 26th October 2011



Deirdre Kenny
A senior officer of the
Department of the Environment

(a) S.R. 1995 No. 447, relevant amending Regulations are S.R. 1997 No. 308 and S.R. 2009 No. 343
(b) Regulation 45 was substituted by regulation 2 of S.R. 2009 No. 343

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends Schedule 1 to the Road Traffic (Fixed Penalty) (Offences) Order (Northern Ireland) 1997 (“the 1997 Order”) by specifying additional offences committed in respect of a vehicle under the various statutory provisions detailed in the Order which are fixed penalty offences for the purposes of Part IV of the Road Traffic Offenders (Northern Ireland) Order 1996.

Any liability to conviction for these offences may be discharged by the payment of a fixed penalty which is—

- (a) £30.00 for the offences set out in items to be inserted in the 1997 Order specified in Article 2(b) and (f); and
- (b) £60.00 for the offence set out in the item specified in Article 2(c),

by virtue of the Road Traffic (Fixed Penalty) Order (Northern Ireland) 2007 (S.R. 2007 No. 319).

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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£4.00

N5107 10/2011 415107T 19585

ISBN 978-0-337-98575-1



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