

2012 No. 18

ROAD TRAFFIC AND VEHICLES

The Road Traffic (Financial Penalty Deposit) (Appropriate Amount) Order (Northern Ireland) 2012

Made - - - - - *26th January 2012*

Coming into operation - - - - - *23rd April 2012*

The Department of the Environment makes the following Order in exercise of the powers conferred by Article 91C(2) of the Road Traffic Offenders (Northern Ireland) Order 1996(a).

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

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Road Traffic (Financial Penalty Deposit) (Appropriate Amount) Order (Northern Ireland) 2012 and shall come into operation on 23rd April 2012.

(2) In this Order—

“the AETR” means the European Agreement 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(b);

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

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

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

“the Drivers’ Hours Regulations” means the Vehicles (Drivers’ Hours of Duty) Regulations (Northern Ireland) 1991(f);

(a) S.I. 1996/1320 (N.I. 10); *see* Article 2(2) for the definition of “Department”; this definition was inserted by paragraph 15(a) of Schedule 7 to S.I. 2007 No. 916 (N.I. 10), Schedule 7, paragraph 15(a). Part IVA (which includes Articles 91A-91F) is inserted by Article 12 of S.I. 2007/916 (N.I. 10)

(b) Cmnd 7401. 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>.

(c) S.R. 1999 No. 258

(d) S.R. 1996 No. 145

(e) S.R. 1999 No. 454

(f) S.R. 1991 No. 144

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

“fixed penalty offence” means an offence listed in Schedule 1; and

“graduated fixed penalty offence” means an offence listed in Schedule 2.

The appropriate amount

2.—(1) Subject to paragraph (2), the appropriate amount of a financial penalty deposit shall be—

- (a) in relation to a fixed penalty offence for which a person has been given a fixed penalty notice or handed a conditional offer, the amount indicated in relation to that offence in the third column of Schedule 1;
- (b) in relation to a graduated fixed penalty offence for which a person has been given a fixed penalty notice or handed a conditional offer, the amount indicated in relation to that offence in Schedule 2, by reference to the circumstances of the offence, those being the nature of the contravention and, where specified, its seriousness; and
- (c) in relation to an offence for which a person has been given notification that it appears likely that proceedings will be brought against him, £300.

(2) The appropriate amount shall not, in respect of any single occasion on which more than one financial penalty deposit requirement has been imposed, exceed £900.

Sealed with the Official Seal of the Department of the Environment on 26th January 2012



Deirdre Kenny
A senior officer of the
Department of the Environment

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

SCHEDULE 1

Article 2(1)(a)

Deposits for Fixed Penalty Offences

Table 1

Transport Act (Northern Ireland) 1967(a)

<i>(1)Provision creating offence</i>	<i>(2)General nature of offence</i>	<i>(3)Deposit</i>
1. Section 4(4)	Using motor vehicle on road except under Road Service licence	£200
2. Section 17(3)	Using goods vehicle on road for carriage of goods except under vehicle licence	£200

Table 2

Road Traffic (Northern Ireland) Order 1981(b)

<i>(1)Provision creating offence</i>	<i>(2)General nature of offence</i>	<i>(3)Deposit</i>
1. Article 3(1)	Driving otherwise than in accordance with a licence	£30, but £60 in the case where the driving would not have been in accordance with any licence that could have been granted to the driver
2. Article 81(2)	Contravention of requirement of applicable Community rules as to books, records or documents	£200
3. Article 86	Failure to comply with prohibition or direction in relation to driving a vehicle	£200
4. Article 86(1)	Driving a foreign goods or foreign public service vehicle in contravention of a prohibition	£200
5. Article 90(4)	Using a motor vehicle while uninsured or unsecured against third party risks	£200
6. Article 180(1)(c)	Failing to stop mechanically propelled vehicle when required	£30

Table 3

The Roads (Northern Ireland) Order 1993(d)

<i>(1)Provision creating offence</i>	<i>(2)General nature of offence</i>	<i>(3)Deposit</i>
1. Article 20(4)	Wrongful use of special road	£30, but £60 if committed otherwise than by unlawfully stopping or allowing the vehicle to remain at rest on a

(a) 1967 c.37 (N.I.)

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

(c) Article 180(1) was amended by paragraph 18 of Schedule 3 to S.I. 1995/2994 (N.I. 18)

(d) S.I. 1993/3160 (N.I. 15)

		part of a special road on which vehicles are in certain circumstances permitted to remain at rest
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Table 4

Vehicle Excise and Registration Act 1994(a)

<i>(1)Provision creating offence</i>	<i>(2)General nature of offence</i>	<i>(3)Deposit</i>
1. Section 42(1)	Driving or keeping a vehicle without required registration mark	£30
2. Section 43(1)	Driving or keeping a vehicle with registration mark obscured etc.	£30
3. Section 59(1)	Failure to fix prescribed registration mark to a vehicle in accordance with regulations made under section 23(4) of the Act	£30

Table 5

The Road Traffic (Northern Ireland) Order 1995(b)

<i>(1)Provision creating offence</i>	<i>(2)General nature of offence</i>	<i>(3)Deposit</i>
1. Article 23(3)	Breach of regulations requiring wearing of seat belts	£60
2. Article 24(2)(c)	Driving a motor vehicle where a child under the age of 14 years is in the front not wearing a seat belt or with a child in a rear-facing child restraint in the front seat with an active air bag	£60
3. Article 24(5)	Driving a motor vehicle where a child under the age of 14 years is in the rear not wearing a seat belt	£60
4. Article 27(3)	Driving or riding motor cycles in contravention of regulations requiring wearing of protective headgear	£30
5. Article 29(3)	Contravention of regulations with respect to use of head-worn appliances (eye protectors) on motor cycles	£30
6. Article 30(1)	Prohibition of parking of heavy commercial vehicles on verge of a road, land between two carriageways or on a footway	£30
7. Article 32(d)	Leaving vehicle in dangerous position	£60
8. Article 48(1)	Driving mechanically propelled vehicles elsewhere than on roads	£30
9. Article 49(1)	Failing to comply with traffic directions given by a constable in uniform carrying	£30, but £60 if committed in respect of a motor vehicle by

(a) 1994 c.22

(b) S.I. 1995/2994 (N.I. 18)

(c) Article 24 was amended by regulation 4 of S.R. 2007 No.7

(d) Article 32 was amended by paragraph 30 of Schedule 3 to S.I. 1996/1320 (N.I. 10)

	out functions under the Road Traffic Orders	failure to comply with a direction of a constable or traffic warden
10. Article 49(2)	Failing to comply with traffic directions given by constable in uniform where a traffic survey is being carried out	£60
11. Article 50(1)(a)	Failing to comply with traffic signs	£30, but £60 if committed by failure to comply with an indication given by a traffic sign as defined in Article 28 of the Road Traffic Regulation (Northern Ireland) Order 1997(b)
12. Article 54	Using, or causing or permitting another to use a motor vehicle or trailer on a road when in dangerous condition	£60
13. Article 56A(c)	Breach of requirements as to control of vehicle, mobile telephones or other hand-held interactive communication devices	£60
14. Article 63(1)	Using, or causing or permitting to be used, a motor vehicle without required test certificate being in force	£60
15. Article 80(1)	Driving a vehicle in contravention of prohibition on driving it as being unfit for service, or failing to comply with direction to remove a vehicle found overloaded	£200

Table 6

Road Traffic Offenders (Northern Ireland) Order 1996(d)

<i>(1)Provision creating offence</i>	<i>(2)General nature of offence</i>	<i>(3)Deposit</i>
1. Article 91E(6)	Driving a vehicle, causing or permitting a vehicle to be driven in contravention of a prohibition on driving on failure to make a financial penalty deposit payment	£200

Table 7

The Road Traffic Regulation (Northern Ireland) Order 1997(e)

<i>(1)Provision creating offence</i>	<i>(2)General nature of offence</i>	<i>(3)Deposit</i>
1. Article 4(5)	Using a vehicle in contravention of a traffic regulation order	£30
2. Article 5(9)	Breach of experimental traffic control scheme	£30
3. Article 7(9)	Using a vehicle in contravention of temporary prohibition or restriction of	£30, but £60 if committed in respect of a speed restriction

(a) Article 50 was substituted by paragraph 19 of Schedule 8 to S.I. 1997/276 (N.I. 2)

(b) S.I. 1997/276 (N.I. 2)

(c) Article 56A was inserted by Article 6 of S.I. 2007/916 (N.I. 10)

(d) S.I. 1996/1320 (N.I. 10)

(e) S.I. 1997/276 (N.I. 2)

	traffic in case of execution of works	
4. Article 43(1)	Exceeding speed limit	£60
5. Article 59(4)	Breach of pedestrian crossing regulations	£60

Table 8

European Communities (International Passenger Services) Regulations (Northern Ireland) 1987(a)

<i>(1)Provision creating offence</i>	<i>(2)General nature of offence</i>	<i>(3)Deposit</i>
1. Regulation 19(1)	Using a vehicle for Community regulated carriage of passengers otherwise than in accordance with the Council Regulations or the Commission Regulation	£30
2. Regulation 19(2)	Using a vehicle for ASOR regulated or Community regulated carriage by road without passenger waybill	£30

Table 9

Passenger and Goods Vehicles (Recording Equipment) Regulations (Northern Ireland) 1996(b)

<i>(1)Provision creating offence</i>	<i>(2)General nature of offence</i>	<i>(3)Deposit</i>
1. Regulation 7(4)	Failing to comply with requirements relating to inspection of records or obstructing an officer	£200
2. Regulation 7D(1)(c)	Failing to comply with requirements relating to inspection of recording equipment or records (whether electronic or hard copy) made by or stored on recording equipment	£200

Table 10

Road Service Licensing (Community Licences) Regulations (Northern Ireland) 2002(d)

<i>(1)Provision creating offence</i>	<i>(2)General nature of offence</i>	<i>(3)Deposit</i>
1. Regulation 2	Using a public service vehicle without Community licence	£60
2. Regulation 6	Failure to comply with conditions governing use of Community licence	£30

(a) S.R. 1987 No. 383

(b) S.R. 1996 No. 145

(c) Regulations 7A to 7F were inserted by regulation 7 of S.R. 2006 No. 274

(d) S.R. 2002 No.116

Table 11**Road Transport (Passenger Vehicles Cabotage) (Northern Ireland) Regulations 2005(a)**

<i>(1)Provision creating offence</i>	<i>(2)General nature of offence</i>	<i>(3)Deposit</i>
1. Regulation 2	Using a vehicle for UK cabotage operations without Community licence	£60
2. Regulation 3(1)	Using a vehicle for UK cabotage operations without control document	£60
3. Regulation 6(1)	Failure to produce Community licence when requested	£30
4. Regulation 6(3)	Failure to produce control document when requested	£30

Table 12**The Vehicle Drivers (Certificate of Professional Competence) Regulations 2007(b)**

<i>(1)Provision creating offence</i>	<i>(2)General nature of offence</i>	<i>(3)Deposit</i>
1. Regulation 11(7)	Failing to produce evidence of CPC or National Vocational Training Certificate when required	£30

SCHEDULE 2

Article 2(1)(b)

Deposits for Graduated Fixed Penalty Offences**Table 1****Articles 56(3) & 63 of the Road Traffic (Northern Ireland) Order 1981(c)**

<i>(1) Nature of contravention or failure constituting the offence</i>	<i>(2) Seriousness of offence and applicable level of deposit</i>		
	<i>£60</i>	<i>£120</i>	<i>£200</i>
1. Driving a vehicle or vehicles for more than 10 hours, contrary to Article 56(1)(b) of the Road Traffic (Northern Ireland) Order 1981 and 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	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	Being on duty for 2 hours or more beyond the required break

(a) S.R. 2005 No. 212

(b) S.I. 2007/605, as amended by S.I. 2008/1965; there are other amendments but none are relevant to this Order

(c) S.I. 1981/154 (N.I. 1); Article 63 was amended by S.R. 1981 No. 199

to Article 56(1)(a) of the Road Traffic (Northern Ireland) Order 1981 and regulation 4 of the Drivers' Hours Regulations		the required break	
3. Failing to take a daily rest period between two successive working days, contrary to Article 56(1)(c) of the Road Traffic (Northern Ireland) Order 1981 and regulation 6(1) of the Drivers' Hours Regulations	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
4. Failing to take a daily rest period between two successive working days by a driver of a passenger vehicle to which Article 56 (1)(c) of the Road Traffic (Northern Ireland) Order 1981 and regulation 6(2) of the Drivers' Hours Regulations	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 Article 56(1) of the Road Traffic (Northern Ireland) Order 1981 and regulation 6(1) of the Drivers' Hours Regulations	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
6. In all other cases		£30	

Table 2**Article 81(1) of the Road Traffic (Northern Ireland) Order 1981(a)**

<i>(1) Nature of contravention or failure constituting the offence</i>	<i>(2) Seriousness of offence and applicable level of deposit</i>		
	<i>£60</i>	<i>£120</i>	<i>£200</i>
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 hours driving without a break, in contravention of Article 7 of the EC Regulation	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
6. Insufficient regular daily rest period in 24 hour period, in contravention of Articles 8(1) and 8(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 Articles 8(1) and 8(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	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

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

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 Articles 8(1) and 8(2) of that Regulation			
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 Articles 8(1) and 8(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 Articles 8(1) and 8(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 Articles 8(1) and 8(5) of the EC 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
12. Insufficient regular weekly rest period, in contravention of Articles 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 Articles 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	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

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			
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 AETR	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
20. Insufficient reduced daily rest period (where permitted) in 24 hours 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	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

Article 8.1 of the AETR, where reduced daily rest periods taken			
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 based, in contravention of Articles 6.1 and 8.3 of the AETR	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
27. Insufficient reduced weekly rest period of 24 hours if taken elsewhere than where the vehicle is normally based or where the driver is 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	Up to 3 hours less rest	3 hours or more but	4 hours or more less

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	than required	less than 4 hours less rest than required	rest than required
29. In all other cases	£30		

Table 3

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

<i>(1) Nature of contravention or the failure constituting the offence</i>	<i>(2) Applicable level of deposit</i>
1. Contravention, except in the case of a motorcycle, of regulation 32(1)(g)(failure to have a tread pattern of at least 1 millimetre) of the Construction and Use Regulations	£120
2. In all other cases	£60

Table 4

Article 57(1) of the Road Traffic (Northern Ireland) Order 1995

<i>(1) Nature of contravention or failure constituting the offence</i>	<i>(2) Applicable level of deposit</i>		
	<i>£60</i>	<i>£120</i>	<i>£200</i>
1. Exceeding maximum authorised weight of vehicle, contrary to regulation 4(1)(a) of, and Schedule 1 to, 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, and Schedule 2 to, 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, contrary to regulation 4(1)(c) of, and Schedule 3 to, the Authorised Weight	Exceeding weight by up to 10%	Exceeding weight by 10% or more, but less than 15%	Exceeding weight by 15% or more

(a) S.I. 1995/2994 (N.I. 18)

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
10. In all other cases	£30		

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

<i>(1) Nature of contravention or failure constituting the offence</i>	<i>(2) Applicable level of deposit</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 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 cause or be likely to cause a danger or nuisance	£60
6. In all other cases	£30

Table 6**Regulation 3(1) of the Passenger and Goods Vehicles (Recording Equipment) Regulations (Northern Ireland) 1996(a)**

<i>(1) Nature of contravention or failure constituting the offence</i>	<i>(2) Applicable level of deposit</i>
1. Failure to ensure recording equipment installed in accordance with Article 3(1) of the Community Recording Equipment Regulation	£200
2. Failing to ensure correct functioning of recording equipment or driver card, in accordance with Article 13 of the Community Recording Equipment Regulation	£60
3. Failing 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. Failure 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	£120

(a) S.R. 1996 No. 145

Regulation	
6. Failure 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 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
15. In all other cases	£30

EXPLANATORY NOTE

(This note is not part of the Order)

Part IVA of the Road Traffic Offenders (Northern Ireland) Order 1996 (“the Order”) is inserted by Article 12 of the Road Traffic (Northern Ireland) Order 2007. It provides that, when a constable or vehicle examiner believes a specified offence has been committed relating to a motor vehicle, the constable or vehicle examiner may impose a financial penalty deposit on a person without a satisfactory UK address who has been given notice of likely proceedings or a fixed penalty notice in respect of an offence.

This Order specifies the amount of the deposit, defined as the “appropriate amount” in new Article 91C(2) of the Order.

Article 2 of this Order provides that, if a person has been given a fixed penalty notice or handed a conditional offer for a fixed penalty offence, the appropriate amount is as specified in the third column of Schedule 1. For those cases in which the person has been given a fixed penalty notice or handed a conditional offer for a graduated fixed penalty offence, the appropriate amount in respect of that fixed penalty notice or conditional offer is specified in Schedule 2 by reference to the nature of the contravention or the failure constituting the offence or the seriousness of the offence. For those offences which are likely to be tried in court, and for which the person has been given notice of that fact, the appropriate amount is £300.

In the event that the person is not prosecuted, is acquitted, or is convicted but not fined, or the period in which a prosecution may be brought ends, appropriate steps to make an appropriate refund of the financial penalty deposit are required to be taken by the Department of the Environment. These steps are set out in the Road Traffic (Financial Penalty Deposit) Order (Northern Ireland) 2012. That Order also specifies the offences to which the financial penalty deposit scheme applies. The rate of interest to be calculated for the purposes of determining the appropriate refund is set out in the Road Traffic (Financial Penalty Deposit) (Interest) Order 2012.

The AETR agreement, which relates to drivers’ hours of work, is out of print but available online from www.unece.org

The Department of the Environment has produced an Explanatory Memorandum and a Regulatory Impact Assessment, showing the effect these Regulations will have on costs for the business and voluntary sectors. The documents are available from the Road Safety and Vehicle Regulation 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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