

2012 No. 74

ROAD TRAFFIC AND VEHICLES

**The Road Traffic (Financial Penalty Deposit) (Interest) Order
(Northern Ireland) 2012**

Made - - - - *28th February 2012*

Coming into operation - *23rd April 2012*

The Department of Finance and Personnel makes the following Order in exercise of the powers conferred on it by Article 91D(10) of the Road Traffic Offenders (Northern Ireland) Order 1996(a).

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

Citation and commencement

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

Calculation of interest

2.—(1) For the purposes of Article 91D(10) of the Road Traffic Offenders (Northern Ireland) Order 1996, the rate of interest payable shall be the Bank of England base rate at the beginning of the day that the payment of the appropriate amount was made.

(2) In this Article “Bank of England base rate” means—

- (a) the rate announced from time to time by the Monetary Policy Committee(b) of the Bank of England as the official dealing rate, being the rate at which the Bank is willing to enter into transactions for providing short term liquidity in the money markets, or
- (b) where an order under section 19 of the Bank of England Act 1998(c) is in force, any equivalent rate determined by the Treasury under that section.

Sealed with the Official Seal of the Department of Finance and Personnel on 28th February 2012

(L.S.)

John McKibbin
A senior officer of the Department of Finance and Personnel

(a) S.I. 1996/1320 (N.I. 10); Part IVA (Articles 91A to 91F) was inserted by S.I. 2007/916 (N.I. 10), Article 12. The “appropriate amount” is defined in Article 91C(2). The amount of the deposit required is set out in Article 2 of S.R. 2012 No. 18

(b) The Monetary Policy Committee was constituted on a statutory basis by section 13 of the Bank of England Act 1998 (c.11)

(c) 1998 c. 11

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the calculation of interest for the purposes of Part IVA of the Road Traffic Offenders Order (Northern Ireland) 1996 (“the 1996 Order”), as inserted by Article 12 of the Road Traffic (Northern Ireland) Order 2007. Part IVA provides that, in certain circumstances, a constable or vehicle examiner may impose a financial penalty deposit on a person without a satisfactory UK address who has been given either notice of likely proceedings or a fixed penalty notice in respect of a road traffic offence. The amount of the deposit (defined as the “appropriate amount” in Article 91C(2) of the 1996 Order) is set out in the Road Traffic (Financial Penalty Deposit) (Appropriate Amount) Order (Northern Ireland) 2012 (S.R. 2012 No. 18).

Where notice of intended prosecution has been given, but the person is not prosecuted, is acquitted, 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. Appropriate steps to make an appropriate refund must also be taken if the financial penalty deposit exceeds the fixed penalty or any court fine imposed on the offender. The appropriate refund is defined in Article 91D(10) of the 1996 Order as either any amount by which the financial penalty deposit exceeds the amount of any fixed penalty or fine, or the whole amount of the deposit where no fixed penalty or fine is payable, together in each case with interest. This Order provides that the rate of interest for these purposes is the Bank of England base rate at the beginning of the day on which payment of the appropriate amount was made.

While this Order itself will have no significant impact on the costs of business and the voluntary sector, a Regulatory Impact Assessment has been prepared for the Graduated Fixed Penalties, Financial Penalty Deposit and Immobilisation Scheme of which it is part. A copy is available as part of the Explanatory Memorandum for this Order from 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.co.uk/nisr>.

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£4.00

N5261 03/2012 425261T 19585

ISBN 978-0-337-98693-2



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