

SCHEDULES

SCHEDULE 1

Section 22.

FIXED PENALTY OFFENCES

1. In this Schedule—

“fixed penalty” shall be construed in accordance with paragraph 4;

“fixed penalty notice” means a notice offering an opportunity to discharge any liability to conviction of the offence to which the notice relates by payment of a fixed penalty in accordance with this Schedule;

“fixed penalty offence” means an offence under paragraph (a) or (b) of section 21;

“prescribe” means prescribe by regulations subject to negative resolution.

2.—(1) Where an authorised officer finds a person on any occasion and has reason to believe that on that occasion he is committing or has committed a fixed penalty offence, he may give that person a fixed penalty notice in respect of that offence.

(2) A person to whom a fixed penalty notice is given under this paragraph in respect of an offence shall not be liable to be convicted of that offence if the fixed penalty is paid in accordance with paragraph 3 before the expiration of the period of 14 days from the date of the notice or such longer period, if any, as may be specified in the notice.

(3) Where a person is given a fixed penalty notice under this paragraph in respect of an offence, proceedings shall not be taken against any person for that offence until the expiration of the period of 14 days from the date of the notice or such longer period, if any, as may have been specified in the notice.

(4) A notice under this paragraph—

(a) shall be in such form as the Department may prescribe; and

(b) shall give such particulars of the circumstances alleged to constitute the offence as are necessary for providing reasonable information of the offence.

(5) A notice under this paragraph shall state—

(a) the period during which, by virtue of sub-paragraph (3), proceedings will not be taken for the offence;

(b) the amount of the fixed penalty; and

(c) the person to whom and the address at which the fixed penalty may be paid.

(6) In this paragraph “proceedings” means any criminal proceedings in respect of the act constituting the offence specified in the notice under this paragraph, and “convicted” shall be construed in like manner.

3.—(1) Payment of a fixed penalty shall be made to or at the office of the clerk of petty sessions specified in the fixed penalty notice, or to such other person or to or at such other office as the Department may by order, subject to negative resolution, direct.

(2) Sums paid by way of a fixed penalty for any fixed penalty offence shall be treated as if they were fines imposed on summary conviction of that offence.

(3) In any proceedings a certificate that payment of a fixed penalty was or was not made by a date specified in the certificate to or at the office of the appropriate clerk of petty sessions, or to such other person or to or at such other office as the Department has directed under sub-paragraph (1), shall, if the certificate purports to be signed by the clerk of petty sessions or such other person as the Department has directed under sub-paragraph (1), be sufficient evidence of the facts stated unless the contrary is proved.

(4) The Department may prescribe—

- (a) the duties under this Schedule of persons or offices specified by an order made under sub-paragraph (1); and
- (b) the information to be supplied to clerks of petty sessions and to such other persons or offices.

4.—(1) Subject to sub-paragraph (2), the fixed penalty for an offence shall be—

- (a) £50, or
- (b) if greater, a sum equal to the amount which is for the time being 5% of level 3 on the standard scale.

(2) The Department may by order, subject to affirmative resolution, amend sub-paragraph (1) by substituting for the percentage specified in paragraph (b) of that sub-paragraph such other percentage, not exceeding 20%, as the Department considers appropriate.

5. In any proceedings for an offence which is a fixed penalty offence, no reference shall be made to the giving of any notice under this Schedule, or to the payment or non-payment of a fixed penalty under this Schedule, unless in the course of the proceedings, or in some document which is before the court in connection with the proceedings, reference has been made by or on behalf of the accused to the giving of such notice or, as the case may be, to such payment or non-payment.

SCHEDULE 2

Section 26.

MINOR AND CONSEQUENTIAL AMENDMENTS

The Street Trading (Regulation) Act (Northern Ireland) 1929 (c. 9 (N.I.))

1. In section 10 (power of district council to acquire or extinguish market rights for purposes of Act) in subsection (1) for the words “this Act” substitute “the Street Trading Act (Northern Ireland) 2001”.

The Roads (Northern Ireland) Order 1993 (NI 15)

2. In Article 71 (erection of a structure on a road), in paragraph (2) for subparagraph (c) substitute—

“(c) in pursuance of a street trading licence or a temporary licence under the Street Trading Act (Northern Ireland) 2001 or in circumstances where, by virtue of section 2 of that Act, he would not be required to obtain a licence under that Act,”.

3. In Article 90 (pitching stalls or offering things for sale on a road) in paragraph (2) for the words from “the proviso” to “that section” substitute “section 2 of the Street Trading Act (Northern Ireland) 2001, he would not be required to obtain a street trading licence or a temporary licence under that Act”.

SCHEDULE 3

Section 28.

REPEALS

Short Title	Extent of repeal
The Street Trading (Regulation) Act (Northern Ireland) 1929 (c. 9).	Sections 1 to 9. In section 13, the words from “Nothing” to the end.
The Financial Provisions Act (Northern Ireland) 1968 (c. 25).	In Schedule 1, the entry relating to the Street Trading (Regulation) Act (Northern Ireland) 1929.