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STATUTORY INSTRUMENTS

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**1996 No. 1320**

**The Road Traffic Offenders (Northern Ireland) Order 1996**

**PART II**

**TRIAL**

*Introductory*

**Requirement of warning etc. of prosecutions for certain offences**

5.—(1) Subject to Article 6, a person shall not be convicted of an offence to which this Article applies unless—

- (a) he was warned at the time the offence was committed or within 24 hours thereafter that the question of prosecuting him for some one or other of the offences to which this Article applies would be taken into consideration, or
- (b) within 14 days of the commission of the offence a summons for the offence was served on him, or
- (c) within 14 days of the commission of the offence a notice of the intended prosecution specifying the nature of the alleged offence and the time and place where it is alleged to have been committed, was—
  - (i) in the case of an offence under Article 42 or 43 of the Order of 1995 (cycling offences), served on him,
  - (ii) in the case of any other offence, served on him or on the person, if any, registered as the keeper of the vehicle at the time of the commission of the offence.

[<sup>F1</sup>(1A) Section 24 of the Interpretation Act (Northern Ireland) 1954 (service of documents) shall apply in relation to the service of notices required to be served by this Article as if in subsection (1) of that section the word “registering” were omitted.]

(2) A notice shall be deemed for the purposes of paragraph (1)(c) to have been served on a person if it was sent by registered post or recorded delivery service addressed to him at his last known address, notwithstanding that the notice was returned as undelivered or was for any other reason not received by him.

(3) The requirement of paragraph (1) shall in every case be deemed to have been complied with unless and until the contrary is proved.

(4) This Article applies to—

- [<sup>F2</sup>(a) an offence under any of the following provisions of the Road Traffic Regulation (Northern Ireland) Order 1997—
  - (i) Article 7 (temporary traffic regulation) consisting in the contravention of a temporary speed limit under paragraph (3)(b) of that Article,
  - (ii) Article 43 (contravening speed limit);]
- (b) an offence under any of the following provisions of the Order of 1995—

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- (i) Article 10 (dangerous driving),
  - (ii) Article 12 (careless, and inconsiderate, driving),
  - (iii) Article 32 (leaving vehicles in dangerous positions),
  - (iv) Article 42 (dangerous cycling),
  - (v) Article 43 (careless, and inconsiderate, cycling),
  - (vi) Article 49<sup>F3</sup> or 50] (contravention of traffic directions or traffic signs);
- (c) an offence consisting of the driving of a vehicle in contravention of any regulation made under the<sup>F3</sup> Road Traffic Regulation (Northern Ireland) Order 1997] with respect to traffic signs
- (5) The Department may by order, made subject to negative resolution, specify any other offence to which this Article is to apply.

- F1** Art. 5(1A) inserted (27.6.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), **28**; S.R. 2007/302, **art. 2**, Sch.
- F2** Art. 5(4)(a) substituted (27.6.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 86(1), **Sch. 7 para. 16**; S.R. 2007/302, **art. 2**, Sch.
- F3** 1997 NI 2

**Modifications etc. (not altering text)**

- C1** Art. 5 power to apply conferred (23.4.2012) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 13, **Sch. 1 para. 8**; S.R. 2012/16, **art. 2**, Sch.
- C2** Art. 5 power to apply conferred by S.I. 1981/154 (N.I. 1), Sch. 2A para. 7 (as inserted (prosp.) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 25(3), **Sch. 3**)
- C3** Art. 5 applied (23.4.2012) by Road Traffic (Immobilisation, Removal and Disposal of Vehicles) Regulations (Northern Ireland) 2012 (S.R. 2012/ 19), {reg. 21(a)}

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**Changes and effects yet to be applied to :**

- art. 5 applied by [S.R. 2012/19 reg. 21\(a\)](#)
- art. 5 power to apply conferred by [S.I. 2007/916 \(N.I.\) Sch. 1 para. 8](#)

**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

- Order transfer of functions by [S.R. 2016/76 Sch. 5 Pt. 2](#)
- Order transfer of functions by [S.I. 2010/976 Sch. 17 para. 46](#)

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Pt. 4A inserted by [S.I. 2007/916 \(N.I.\) art. 12\(1\)](#)
- Pt. 4B inserted by [2022 c. 32 s. 89\(2\)](#)
- s. 40A40B inserted by [2009 c. 25 Sch. 16 para. 4](#)
- art. 15(1) power to apply conferred by [S.I. 2007/916 \(N.I.\) Sch. 1 para. 8](#)
- art. 15(1) power to apply conferred by [SI 1981/154 \(N.I. 1\) Sch. 2A para. 7](#) (as inserted) by [S.I. 2007/916 \(N.I.\) Sch. 3](#)
- art. 23(2)(g) added by [S.R. 2014/230 art. 2](#)
- art. 35(1ZA)-(1ZC) inserted by [2016 c. 11 \(N.I.\) s. 12\(2\)](#)
- art. 35(3A) inserted by [2016 c. 11 \(N.I.\) s. 13\(2\)](#)
- art. 36(3A) inserted by [2009 c. 25 Sch. 21 para. 92\(3\)\(d\)](#)
- art. 36(4A) inserted by [2016 c. 11 \(N.I.\) s. 14\(2\)](#)
- art. 37(2A) inserted by [2009 c. 25 Sch. 21 para. 92\(4\)\(c\)](#)
- art. 38A(5A) inserted by [2009 c. 25 Sch. 21 para. 92\(5\)\(c\)](#)
- art. 38A(6A) inserted by [2009 c. 25 Sch. 21 para. 92\(5\)\(e\)](#)
- art. 42(2A) inserted by [2009 c. 25 Sch. 21 para. 92\(7\)\(c\)](#)
- art. 42(5) added by [S.R. 2016/135 reg. 2\(2\)](#)
- art. 47(3A) inserted by [2009 c. 25 Sch. 21 para. 92\(8\)\(b\)](#)
- art. 47(3B) inserted by [2009 c. 25 Sch. 21 para. 92\(8\)\(c\)](#)
- art. 52(2ZA) inserted by [2009 c. 25 Sch. 21 para. 92\(9\)\(b\)](#)
- art. 54A inserted by [2016 c. 11 \(N.I.\) s. 15](#)
- art. 59(2A) inserted by [2016 c. 11 \(N.I.\) s. 8\(2\)](#)
- art. 59(4) added by [2016 c. 11 \(N.I.\) s. 8\(3\)](#)
- art. 59A-59C inserted by [2016 c. 11 \(N.I.\) s. 9\(1\)](#)
- art. 63A(7) added by [2016 c. 11 \(N.I.\) s. 11\(1\)\(d\)](#)
- art. 64B inserted by [2016 c. 11 \(N.I.\) s. 8\(5\)](#)
- art. 76(3A)(3B) inserted by [2016 c. 21 \(N.I.\) Sch. 2 para. 5\(3\)](#)

**Commencement Orders yet to be applied to the The Road Traffic Offenders (Northern Ireland) Order 1996**

Commencement Orders bringing legislation that affects this Order into force:

- [S.R. 2010/226 art. 2Sch.](#) commences ([S.I. 2007/916 \(N.I.\)](#))
- [S.R. 2010/370 art. 2Sch.](#) commences ([S.I. 2007/916 \(N.I.\)](#))
- [S.R. 2011/286 art. 2Sch.](#) commences ([S.I. 2007/916 \(N.I.\)](#))
- [S.R. 2012/16 art. 2](#) commences ([S.I. 1996/1320 \(N.I.\)](#))
- [S.R. 2012/262 art. 2-6](#) commences ([2010 c. 2 \(N.I.\)](#))
- [S.R. 2012/313 art. 2Sch.](#) commences ([2008 c. 4](#))
- [S.R. 2014/238 art. 2Sch.](#) commences ([2008 c. 4 \(N.I.\)](#))

- S.R. 2015/284 art. 2Sch. commences (2011 c. 11 (N.I.))
- S.R. 2015/389 art. 2(3)Sch. Pt. 3 commences (2008 c. 4 (N.I.))
- S.R. 2016/387 art. 2 commences (2015 c. 9 (N.I.))
- S.R. 2017/34 art. 2 commences (2010 c. 14 (N.I.))
- S.R. 2018/99 art. 2(a)-(c) commences (2016 c. 21 (N.I.))