
STATUTORY INSTRUMENTS

1996 No. 1320

The Road Traffic Offenders (Northern Ireland) Order 1996

PART IV

FIXED PENALTIES

The fixed penalty procedure

Notices on-the-spot [^{F1}etc.]: when registration and endorsement invalid

77.—(1) This Article applies where—

- (a) a person who has received notice of the registration, by virtue of Article 61(3), of a sum under Article 76 for enforcement against him as a fine makes a statutory declaration to the effect mentioned in paragraph (2), and
- (b) that declaration is, within 21 days of the date on which the person making it received notice of the registration, served on the clerk of petty sessions.

(2) The statutory declaration must state—

- (a) that the person making the declaration was not the person to whom the relevant fixed penalty notice was given, or
- (b) that he gave notice requesting a hearing in respect of the alleged offence as permitted by the fixed penalty notice before the end of the suspended enforcement period.

(3) In any case within paragraph (2)(a), the relevant fixed penalty notice, the registration and any proceedings taken before the declaration was served for enforcing payment of the sum registered shall be void.

(4) Where in any case within paragraph (2)(a) the person to whom the relevant fixed penalty notice was given surrendered [^{F2}or delivered] a licence and its counterpart held by the person making the declaration, any endorsement of that counterpart made under Article 63 in respect of the offence in respect of which that notice was given shall be void.

[^{F3}(4A) Where in any case within paragraph (2)(a) the driving record of the person to whom the relevant fixed penalty notice was given was endorsed under Article 63A in respect of the offence in respect of which the notice was given, the endorsement shall be void.]

(5) In any case within paragraph (2)(b)—

- (a) the registration, any proceedings taken before the declaration was served for enforcing payment of the sum registered, and carry endorsement, in respect of the offence in respect of which the relevant fixed penalty notice was given, made under Article 63 [^{F4}or 63A] before the declaration was served, shall be void, and
- (b) the case shall be treated after the declaration is served as if the person making the declaration had given notice requesting a hearing in respect of the alleged offence as stated in the declaration.

(6) The clerk of petty sessions must—

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- (a) cancel an endorsement of the counterpart of a licence under Article 63 that is void by virtue of this Article on production of the licence and its counterpart to him for that purpose, and
- (b) send notice of the cancellation to the Department.

[^{F5}(6A) The clerk of petty sessions must send notice to the Department of any endorsement of a person's driving record that is void by virtue of this Article and the Department must adjust the endorsements on that record accordingly.]

(7) References in this Article to the relevant fixed penalty notice are to the fixed penalty notice relating to the fixed penalty concerned.

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|-----------|---|
| F1 | Words in art. 77 heading substituted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 16, Sch. 2 para. 14(a) ; S.R. 2010/370, art. 2(1) , Sch. Pt. 1 |
| F2 | Words in art. 77(4) inserted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 16, Sch. 2 para. 14(b) ; S.R. 2010/370, art. 2(1) , Sch. Pt. 1 |
| F3 | Art. 77(4A) inserted (14.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 39(6), Sch. 4 para. 20(a) ; S.R. 2010/370, art. 2(2) , Sch. Pt. II |
| F4 | Words in art. 77(5)(a) inserted (14.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 39(6), Sch. 4 para. 20(b) ; S.R. 2010/370, art. 2(2) , Sch. Pt. II |
| F5 | Art. 77(6A) inserted (14.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 39(6), Sch. 4 para. 20(c) ; S.R. 2010/370, art. 2(2) , Sch. Pt. II |

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Changes and effects yet to be applied to :

- art. 77(4) words inserted by [S.I. 2007/916 \(N.I.\) Sch. 2 para. 14\(b\)](#)
- art. 77(4A) inserted by [S.I. 2007/916 \(N.I.\) Sch. 4 para. 20\(a\)](#)
- art. 77(5)(a) words inserted by [S.I. 2007/916 \(N.I.\) Sch. 4 para. 20\(b\)](#)
- art. 77(6A) inserted by [S.I. 2007/916 \(N.I.\) Sch. 4 para. 20\(c\)](#)

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.))