
STATUTORY INSTRUMENTS

1996 No. 1320

The Road Traffic Offenders (Northern Ireland) Order 1996

PART IV

FIXED PENALTIES

The fixed penalty procedure

Notices fixed to vehicles: when registration invalid

78.—(1) This Article applies where—

- (a) a person who has received notice of the registration, by virtue of Article 69(2), 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 either—

- (a) that the person making the declaration did not know of the fixed penalty concerned or of any fixed penalty notice or notice to owner relating to that penalty until he received notice of the registration, or
- (b) that he was not the owner of the vehicle at the time of the alleged offence of which particulars are given in the relevant notice to owner and that he has a reasonable excuse for failing to comply with that notice, or
- (c) that he gave notice requesting a hearing in respect of that offence as permitted by the relevant notice to owner before the end of the period allowed for response to that notice.

(3) In any case within paragraph (2)(a) or (b)—

- (a) the relevant notice to owner,
- (b) the registration, and
- (c) any proceedings taken before the declaration was served for enforcing payment of the sum registered,

shall be void but without prejudice, in a case within paragraph (2)(a), to the service of a further notice to owner under Article 68 on the person making the declaration.

This paragraph applies whether or not the relevant notice to owner was duly served in accordance with that Article on the person making the declaration.

(4) In any case within paragraph (2)(c)—

- (a) no proceedings shall be taken, after the statutory declaration is served until the end of the period of 21 days following the date of that declaration, for enforcing payment of the sum registered, and

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- (b) where before the end of that period a notice is served by or on behalf of the [^{F1}relevant person] on the person making the declaration asking him to provide a new statutory statement of ownership to the [^{F1}relevant person] before the end of the period of 21 days from the date on which the notice is served, no such proceedings shall be taken until the end of the period allowed for response to that notice.

[^{F2}(4A) In paragraph (4) “the relevant person” means—

- (a) if the fixed penalty notice was fixed by a constable, the fixed penalty clerk, and
- (b) if it was fixed by a vehicle examiner, the Department.]

(5) Where in any case within paragraph (2)(c)—

- (a) no notice is served ^{F3} . . . in accordance with paragraph (4), or
- (b) ^{F4} . . . a notice is so served and the person making the declaration provides a new statutory statement of ownership in accordance with the notice,

then—

- (i) the registration and any proceedings taken before the declaration was served for enforcing payment of the sum registered shall be void, and
- (ii) the case shall be treated after the time mentioned in paragraph (6) 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 time referred to in paragraph (5) is—

- (a) in a case within sub-paragraph (a) of that paragraph, the end of the period of 21 days following the date of the statutory declaration,
- (b) in a case within sub-paragraph (b) of that paragraph, the time when the statement is provided.

(7) In any case where notice is served ^{F5} . . . in accordance with paragraph (4), [^{F6}the person by whom it is served] must cause the clerk of petty sessions to be notified of that fact immediately on service of the notice.

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

- F1** Words in art. 78(4)(b) 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. 15(a)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F2** Art. 78(4A) 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. 15(b)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F3** Words in art. 78(5)(a) repealed (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 16, 86(2), Sch. 2 para. 15(c)(i), **Sch. 8 Pt. III**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F4** Word in art. 78(5)(b) repealed (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 16, 86(2), Sch. 2 para. 15(c)(ii), **Sch. 8 Pt. III**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F5** Words in art. 78(7) repealed (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 16, 86(2), Sch. 2 para. 15(d)(i), **Sch. 8 Pt. III**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F6** Words in art. 78(7) 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. 15(d)(ii)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1

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Changes and effects yet to be applied to :

- art. 78(4) words substituted by [S.I. 2007/916 \(N.I.\) Sch. 2 para. 15\(a\)](#)
- art. 78(4A) inserted by [S.I. 2007/916 \(N.I.\) Sch. 2 para. 15\(b\)](#)
- art. 78(5) word omitted by [S.I. 2007/916 \(N.I.\) Sch. 2 para. 15\(c\)\(ii\)Sch. 8 Pt. 3](#)
- art. 78(5) words omitted by [S.I. 2007/916 \(N.I.\) Sch. 2 para. 15\(c\)\(i\)Sch. 8 Pt. 3](#)
- art. 78(7) words omitted by [S.I. 2007/916 \(N.I.\) Sch. 2 para. 15\(d\)\(i\)Sch. 8 Pt. 3](#)
- art. 78(7) words substituted by [S.I. 2007/916 \(N.I.\) Sch. 2 para. 15\(d\)\(ii\)](#)

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.))