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## STATUTORY INSTRUMENTS

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# 1996 No. 1320

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

### PART IV

#### FIXED PENALTIES

##### *Conditional offer of fixed penalty*

##### **Effect of offer and payment of penalty**

**81.**—(1) This Article applies where a conditional offer has been [<sup>F1</sup>issued] to a person under Article 80.

[<sup>F2</sup>(2) Where the alleged offender makes payment of the fixed penalty in accordance with the conditional offer, no proceedings shall be brought against him for the offence to which the offer relates unless paragraph (3) applies.

(3) This paragraph applies where—

- (a) it appears to the appropriate person, on inspecting the licence and its counterpart [<sup>F3</sup>or (where the alleged offender is not the holder of a licence) accessing information held on his driving record], that the alleged offender would be liable to be disqualified under Article 40 if he were convicted of the offence to which the conditional offer relates;
- (b) the appropriate person returns the payment to the alleged offender together with [<sup>F4</sup>(where he is the holder of a licence)] his licence and its counterpart; and
- (c) where the appropriate person is not the Department, the appropriate person gives notice that he has done so to the Chief Constable.

(4) Where the requirements specified in the conditional offer in accordance with heads (i) and (ii) of Article 80(5)(a) [<sup>F5</sup>or (5A)(a)] have not been fulfilled, no proceedings shall be brought against the alleged offender for the offence to which the offer relates—

- (a) until the end of the period of 28 days following the date on which the conditional offer was made, or such longer period as may be specified in the offer, and
- (b) where the appropriate person is not the Department, unless the appropriate person notifies the Chief Constable that proceedings may be brought by virtue of this paragraph.]

(6) In determining for the purposes of paragraph [<sup>F6</sup>(3)(a)] whether a person convicted of an offence would be liable to disqualification under Article 40, it shall be assumed, in the case of an offence in relation to which a range of numbers is shown in the last column of Part I or Part II of Schedule 1, that the number of penalty points to be attributed to the offence would be the lowest in the range.

(7) In any proceedings a certificate that by a date specified in the certificate payment of a fixed penalty was or was not received by [<sup>F7</sup>the appropriate person] shall, if the certificate purports to be signed by [<sup>F8</sup>the appropriate person], be evidence of the facts stated.

**Status:** Prospective version(s) available.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Road Traffic Offenders (Northern Ireland) Order 1996. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- F1** Word in art. 81(1) 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. 17(a)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F2** Art. 81(2)-(4) substituted (13.12.2010) for art. 81(2)-(5) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 16, **Sch. 2 para. 17(b)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F3** Words in art. 81(3)(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. 22(a)(i)**; S.R. 2010/370, **art. 2(2)**, Sch. Pt. II
- F4** Words in art. 81(3)(b) 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. 22(a)(ii)**; S.R. 2010/370, **art. 2(2)**, Sch. Pt. II
- F5** Words in art. 81(4) 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. 22(b)**; S.R. 2010/370, **art. 2(2)**, Sch. Pt. II
- F6** Words in art. 81(6) 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. 17(c)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F7** Words in art. 81(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. 17(d)(i)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F8** Words in art. 81(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. 17(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. 81(1) word substituted by [S.I. 2007/916 \(N.I.\) Sch. 2 para. 17\(a\)](#)
- art. 81(2)-(4) substituted for art. 81(2)-(5) by [S.I. 2007/916 \(N.I.\) Sch. 2 para. 17\(b\)](#)
- art. 81(3)(a) words inserted by [S.I. 2007/916 \(N.I.\) Sch. 4 para. 22\(a\)\(i\)](#)
- art. 81(3)(b) words inserted by [S.I. 2007/916 \(N.I.\) Sch. 4 para. 22\(a\)\(ii\)](#)
- art. 81(4) words inserted by [S.I. 2007/916 \(N.I.\) Sch. 4 para. 22\(b\)](#)
- art. 81(6) word substituted by [S.I. 2007/916 \(N.I.\) Sch. 2 para. 17\(c\)](#)
- art. 81(7) words substituted by [S.I. 2007/916 \(N.I.\) Sch. 2 para. 17\(d\)\(i\)](#)
- art. 81(7) words substituted by [S.I. 2007/916 \(N.I.\) Sch. 2 para. 17\(d\)\(ii\)](#)

**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.))