
STATUTORY INSTRUMENTS

1996 No. 1320

The Road Traffic Offenders (Northern Ireland) Order 1996

PART IV

FIXED PENALTIES

Proceedings in fixed penalty cases

Statements by constables

84.—(1) In any proceedings a certificate that a copy of a statement by a constable [^{F1}or vehicle examiner] with respect to the alleged offence (referred to in this Article as a “ [^{F2}relevant] witness statement”) was included in or given with a fixed penalty notice or a notice under Article 60(3) given to the accused on a date specified in the certificate shall, if the certificate purports to be signed by the ^{F3} . . . person who gave the accused the notice, be evidence of service of a copy of that statement by delivery to the accused on that date.

(2) In any proceedings a certificate that a copy of a [^{F4}relevant] witness statement was included in or served with a notice to owner served on the accused in the manner and on a date specified in the certificate shall, if the certificate purports to be signed by any person employed by the [^{F5} Policing Board][^{F6}or on behalf of the Department], be evidence of service in the manner and on the date so specified both of a copy of that statement and of the notice to owner.

(3) Any address specified in any such certificate as is mentioned in paragraph (2) as being the address at which service of the notice to owner was effected shall be taken for the purposes of any proceedings in which the certificate is tendered in evidence to be the accused's proper address, unless the contrary is proved.

(4) Where a copy of a [^{F7}relevant] witness statement is included in or served with a notice to owner served in any manner in which the notice is authorised to be served under this Part, the statement shall be treated as duly served for the purposes of section 1 of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 (proof by written statement) notwithstanding that the manner of service is not authorised by subsection (8) of that section.

(5) In relation to any proceedings in which service of a [^{F8}relevant] witness statement is proved by certificate under this Article—

- (a) that service shall be taken for the purposes of subsection (2)(c) of that section (copy of statement to be tendered in evidence to be served before hearing on other parties to the proceedings by or on behalf of the party proposing to tender it) to have been effected by or on behalf of the complainant, and
 - (b) subsection (2)(d) of that section (time for objection) shall have effect with the substitution, for the reference to 7 days from the service of the copy of the statement, of a reference to 7 days from the relevant date.
- (6) In paragraph (5)(b) “relevant date” means—

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- (a) where the accused gives notice requesting a hearing in respect of the offence in accordance with any provision of this Part, the date on which he gives that notice, and
- (b) where a notice in respect of the offence was given to the accused under Article 60(4) but no fixed penalty notice is given in respect of it, the last day for [^{F9}delivery of the notice].

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|-----------|---|
| F1 | Words in art. 84(1) 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. 19(a)(i) ; S.R. 2010/370, art. 2(1) , Sch. Pt. 1 |
| F2 | Word in art. 84(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. 19(a)(ii) ; S.R. 2010/370, art. 2(1) , Sch. Pt. 1 |
| F3 | Words in art. 84(1) 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. 19(a)(iii), Sch. 8 Pt. III ; S.R. 2010/370, art. 2(1) , Sch. Pt. 1 |
| F4 | Word in art. 84(2) 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. 19(b)(i) ; S.R. 2010/370, art. 2(1) , Sch. Pt. 1 |
| F5 | 2000 c. 32 |
| F6 | Words in art. 84(2) 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. 19(b)(ii) ; S.R. 2010/370, art. 2(1) , Sch. Pt. 1 |
| F7 | Word in art. 84(4) 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. 19(c) ; S.R. 2010/370, art. 2(1) , Sch. Pt. 1 |
| F8 | Word in art. 84(5) 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. 19(c) ; S.R. 2010/370, art. 2(1) , Sch. Pt. 1 |
| F9 | Words in art. 84(6)(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. 19(d) ; S.R. 2010/370, art. 2(1) , Sch. Pt. 1 |

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Changes and effects yet to be applied to :

- art. 84(1) word substituted by [S.I. 2007/916 \(N.I.\) Sch. 2 para. 19\(a\)\(ii\)](#)
- art. 84(1) words inserted by [S.I. 2007/916 \(N.I.\) Sch. 2 para. 19\(a\)\(i\)](#)
- art. 84(1) words repealed by [S.I. 2007/916 \(N.I.\) Sch. 2 para. 19\(a\)\(iii\)](#)[Sch. 8 Pt. 3](#)
- art. 84(2) word substituted by [S.I. 2007/916 \(N.I.\) Sch. 2 para. 19\(b\)\(i\)](#)
- art. 84(2) words inserted by [S.I. 2007/916 \(N.I.\) Sch. 2 para. 19\(b\)\(ii\)](#)
- art. 84(4)(5) word substituted by [S.I. 2007/916 \(N.I.\) Sch. 2 para. 19\(c\)](#)
- art. 84(6)(b) words substituted by [S.I. 2007/916 \(N.I.\) Sch. 2 para. 19\(d\)](#)

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. 40A-40B 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. 2](#)[Sch. commences \(S.I. 2007/916 \(N.I.\)\)](#)
- [S.R. 2010/370 art. 2](#)[Sch. 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.))