

STATUTORY INSTRUMENTS

1996 No. 1320

The Road Traffic Offenders (Northern Ireland) Order 1996

PART IV

FIXED PENALTIES

Miscellaneous

Powers of court [^{F1}in cases of deception]

87.—(1) This Article applies where—

- (a) in endorsing the counterpart of any person's licence under Article 63, the fixed penalty clerk [^{F2}or the Department] is deceived as to whether endorsement under that Article is excluded by Article 66(2) by virtue of the fact that the licence holder would be liable to be disqualified under Article 40 if he were convicted of the offence; or
- (b) in endorsing the counterpart of any person's licence under Article 82 [^{F3}the appropriate person is deceived as to whether proceedings against the person are excluded by Article 81] by virtue of the fact that the licence holder would be liable to be disqualified under Article 40 if he were convicted of the offence.

[^{F4}(1A) This Article also applies where—

- (a) particulars are endorsed on a person's driving record under Article 63A because the fixed penalty clerk or the Department is deceived as to whether endorsement under that Article is excluded by Article 66A(2) by virtue of the fact that the person to whom the fixed penalty notice was given would be liable to be disqualified under Article 40 if he were convicted of the offence, or
- (b) particulars are endorsed on a person's driving record under Article 82A because the appropriate person or court is deceived as to whether proceedings against the person are excluded by Article 81 by virtue of the fact that the person to whom the conditional offer is issued would be liable to be disqualified under Article 40 if he were convicted of the offence.]

(2) If—

- (a) the deception constituted or was due to an offence committed by the [^{F5}person to whom the fixed penalty notice was given or conditional offer was issued], and
- (b) the [^{F6}he] is convicted of that offence,

the court by or before which he is convicted shall have the same powers and duties as it would have had if he had also been convicted by or before it of the offence of which particulars were endorsed under Article 63 [^{F7}or 63A] or, as the case may be, Article 82 [^{F8}or 82A].

F1 Words in art. 87 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. 21(a); S.R. 2010/370, art. 2(1), Sch. Pt. 1

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- F2** Words in art. 87(1)(a) 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. 21(b)(i)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F3** Words in art. 87(1)(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. 21(b)(ii)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F4** Art. 87(1A) 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. 25(a)**; S.R. 2010/370, **art. 2(2)**, Sch. Pt. II
- F5** Words in art. 87(2)(a) substituted (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. 25(b)(i)**; S.R. 2010/370, **art. 2(2)**, Sch. Pt. II
- F6** Words in art. 87(2)(b) substituted (14.12.2010) by virtue of Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 39(6), **Sch. 4 para. 25(b)(ii)**; S.R. 2010/370, **art. 2(2)**, Sch. Pt. II
- F7** Words in art. 87(2) 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. 25(b)(iii)**; S.R. 2010/370, **art. 2(2)**, Sch. Pt. II
- F8** Words in art. 87(2) 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. 25(b)(iv)**; S.R. 2010/370, **art. 2(2)**, Sch. Pt. II

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[View outstanding changes](#)

Changes and effects yet to be applied to :

- art. 87(1)(a) words inserted by S.I. 2007/916 (N.I.) Sch. 2 para. 21(b)(i)
- art. 87(1)(b) words substituted by S.I. 2007/916 (N.I.) Sch. 2 para. 21(b)(ii)
- art. 87(1A) inserted by S.I. 2007/916 (N.I.) Sch. 4 para. 25(a)
- art. 87(2) words inserted by S.I. 2007/916 (N.I.) Sch. 4 para. 25(b)(iii)
- art. 87(2) words inserted by S.I. 2007/916 (N.I.) Sch. 4 para. 25(b)(iv)
- art. 87(2)(a) words substituted by S.I. 2007/916 (N.I.) Sch. 4 para. 25(b)(i)
- art. 87(2)(b) word substituted by S.I. 2007/916 (N.I.) Sch. 4 para. 25(b)(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.))