
STATUTORY INSTRUMENTS

1996 No. 1320

The Road Traffic Offenders (Northern Ireland) Order 1996

**PART IV
FIXED PENALTIES**

Introductory

Interpretation of this Part

55.—(1) In this Part—

“authorised person” has the meaning given by Article 60(8);

“driver” except in Article 67 means, in relation to an alleged fixed penalty offence, the person by whom, assuming the offence to have been committed, it was committed;

“proceedings”, except in relation to proceedings for enforcing payment of a sum registered under Article 76, means criminal proceedings.

[^{F1}“vehicle examiner” means an examiner appointed under Article 74 of the Order of 1995.]

(2) In this Part—

(a) references to a notice requesting a hearing in respect of an offence are references to a notice indicating that the person giving the notice wishes to contest liability for the offence or seeks a determination by a court with respect to the appropriate punishment for the offence;

(b) references to an offence include an alleged offence; and

(c) references to the person who is or was at any time the registered keeper of a vehicle are references to the person in whose name the vehicle is or was at that time registered under the Vehicle Excise and Registration Act 1994.

F1 [Art. 55\(1\)](#): definition of "vehicle examiner" 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. 2](#); S.R. 2010/370, [art. 2\(1\)](#), Sch. Pt. 1

Expressions defined in this Part

56. The expressions listed in the left-hand column below are respectively defined or (as the case may be) fall to be construed in accordance with the provisions of this Part listed in the right-hand column in relation to those expressions.

(1) Expression	(2) Relevant provision
Authorised person	Article 60(8)
Conditional offer	Article 80(2)

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](#)

Fixed penalty	Article 59
Fixed penalty clerk	Articles 74(5) and 80(3)
Fixed penalty notice	Article 58
Fixed penalty offence	Article 57
Notice to owner	Articles 68(2) and 71(4)
Notice requesting a hearing in respect of an offence	Article 55(2)
Offence	Article 55(2)
Official form	Article 73(4)
Owner	Article 73(1)
Period allowed for response to a notice to owner	Article 68(5)
Registered keeper	Article 55(2)
Statutory statement of facts	Part II of Schedule 2
Statutory statement of hiring	Part I of Schedule 2
Statutory statement of ownership	Part I of Schedule 2
Suspended enforcement period	Article 58(3)(a)
Time of the alleged offence	Article 68(3)

Fixed penalty offences

57.—(1) Subject to paragraph (3), for the purposes of this Part a “fixed penalty offence” is an offence specified in an order made under paragraph (2).

(2) The Department may by order specify as a fixed penalty offence for the purposes of this Part, any offence committed in respect of a vehicle, being an offence created under a statutory provision and punishable on summary conviction.

(3) Notwithstanding that an offence is specified by order under paragraph (2), it shall not be a fixed penalty offence for the purposes of this Part if it is committed—

- (a) by causing or permitting a vehicle to be used by another person in contravention of any provision made or restriction or prohibition imposed by or under any statutory provision,^{F2} . . .

Sub#para. (b) rep. by 1998 NI 7

F2 1998 NI 7

Fixed penalty notices

58.—(1) In this Part “fixed penalty notice” means a notice offering the opportunity of the discharge of any liability to conviction of the offence to which the notice relates by payment of a fixed penalty in accordance with this Part.

(2) A fixed penalty notice must give such particulars of the circumstances alleged to constitute the offence to which it relates as are necessary for giving reasonable information about the alleged offence.

- (3) A fixed penalty notice must state—
- (a) the period during which, by virtue of Article 83(1), proceedings cannot be brought against any person for the offence to which the notice relates, being the period of 21 days following the date of the notice or such longer period (if any) as may be specified in the notice (referred to in this Part as the “suspended enforcement period”),
 - (b) the amount of the fixed penalty, and
 - (c) [^{F3}the person to] to whom and the address at which the fixed penalty may be paid.

F3 Words in art. 58(3)(c) 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. 3; S.R. 2010/370, art. 2(1), Sch. Pt. 1

Amount of fixed penalty

- 59.—[^{F4}(1)] The fixed penalty for an offence is—
- (a) such amount as the Department may by order prescribe, or
 - (b) one-half of the maximum amount of the fine to which a person committing that offence would be liable on summary conviction,

whichever is the less.

[^{F5}(2) Any order made under paragraph (1) in relation to an offence may make provision for the fixed penalty for the offence to be different depending on the circumstances, including (in particular)—

- (a) the nature of the contravention constituting the offence;
- (b) how serious it is;
- (c) the area, or sort of place, where it takes place; and
- (d) whether the offender appears to have committed any offence or offences of a description specified in the order during a period so specified.]

F4 Art. 59 renumbered (12.9.2011) as sub - para. (1) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 22; S.R. 2011/286, art. 2, Sch.

F5 Art. 59(2) inserted (12.9.2011) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 22; S.R. 2011/286, art. 2, Sch.

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.

[View outstanding changes](#)

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 \(N.I.\)\)](#)