
STATUTORY INSTRUMENTS

1996 No. 1320

The Road Traffic Offenders (Northern Ireland) Order 1996

PART IV

FIXED PENALTIES

Notices fixed to vehicles

Fixing notices to vehicles

67.—(1) Where on any occasion a constable [^{F1}or a vehicle examiner] has reason to believe in the case of any stationary vehicle that a fixed penalty offence is being or has on that occasion been committed in respect of it, he may fix a fixed penalty notice in respect of the offence to the vehicle unless the offence appears to him to involve obligatory endorsement.

(2) A person is guilty of an offence if he removes or interferes with any notice fixed to a vehicle under this Article, unless he does so by or under the authority of the driver or person in charge of the vehicle or the person liable for the fixed penalty offence in question.

F1 Words in art. 67(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. 8](#); S.R. 2010/370, [art. 2\(1\)](#), Sch. Pt. 1

Service of notice to owner if penalty not paid

68.—(1) This Article applies where a fixed penalty notice relating to an offence has been fixed to a vehicle under Article 67.

(2) Subject to paragraph (3), if at the end of the suspended enforcement period the fixed penalty has not been paid in accordance with this Part, a notice under this Article may be served by or on behalf of the [^{F2}relevant person] on any person who appears to him (or to any person authorised to act on his behalf for the purposes of this Article) to be the owner of the vehicle.

Such a notice is referred to in this Part as a “notice to owner”.

[^{F3}(2A) In this Article “the relevant person” means—

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

(3) Paragraph (2) does not apply where before the end of the suspended enforcement period—

- (a) any person has given notice requesting a hearing in respect of the offence in the manner specified in the fixed penalty notice, and
- (b) the notice so given contains a statement by that person to the effect that he was the driver of the vehicle at the time when the offence is alleged to have been committed.

That time is referred to in this Part as the “time of the alleged offence”.

(4) A notice to owner—

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- (a) must give particulars of the alleged offence and of the fixed penalty concerned,
- (b) must state the period allowed for response to the notice, and
- (c) must indicate that, if the fixed penalty is not paid before the end of that period, the person on whom the notice is served is asked to provide before the end of that period to the [F4relevant person] a statutory statement of ownership (as defined in Part I of Schedule 2).

(5) For the purposes of this Part, the period allowed for response to a notice to owner is the period of 21 days from the date on which the notice is served, or such longer period (if any) as may be specified in the notice.

(6) A notice to owner relating to any offence must indicate that the person on whom it is served may, before the end of the period allowed for response to the notice, either—

- (a) give notice requesting a hearing in respect of the offence in the manner indicated by the notice, or
- (b) if—
 - (i) he was not the driver of the vehicle at the time of the alleged offence, and
 - (ii) a person purporting to be the driver wishes to give notice requesting a hearing in respect of the offence,

provide, together with a statutory statement of ownership provided as requested in that notice, a statutory statement of facts (as defined by Part II of Schedule 2) having the effect referred to in paragraph 3(2) of that Schedule (that is, as a notice requesting a hearing in respect of the offence given by the driver).

(7) In any case where a person on whom a notice to owner relating to any offence has been served provides a statutory statement of facts in pursuance of paragraph (6)(b)—

- (a) any notice requesting a hearing in respect of the offence that he purports to give on his own account shall be of no effect, and
- (b) no sum may be registered for enforcement against him as a fine in respect of the offence unless, within the period of 2 months immediately following the period allowed for response to the notice to owner, no summons in respect of the offence in question is served on the person identified in the statement as the driver.

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| F2 | Words in art. 68(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. 9(a) ; S.R. 2010/370, art. 2(1) , Sch. Pt. 1 |
| F3 | Art. 68(2A) 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. 9(b) ; S.R. 2010/370, art. 2(1) , Sch. Pt. 1 |
| F4 | Words in art. 68(4)(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. 9(c) ; S.R. 2010/370, art. 2(1) , Sch. Pt. 1 |

Enforcement or proceedings against owner

69.—(1) This Article applies where—

- (a) a fixed penalty notice relating to an offence has been fixed to a vehicle under Article 67,
- (b) a notice to owner relating to the offence has been served on any person under Article 68(2) before the end of the period of 6 months beginning with the day on which the fixed penalty notice was fixed to the vehicle, and
- (c) the fixed penalty has not been paid in accordance with this Part before the end of the period allowed for response to the notice to owner.

(2) Subject to paragraph (4) and to Article 68(7)(b), a sum equal to the fixed penalty plus one-half of the amount of that penalty may be registered under Article 76 for enforcement against the person on whom the notice to owner was served as a fine.

(3) Subject to paragraph (4) and to Article 70, proceedings may be brought in respect of the offence against the person on whom the notice to owner was served.

(4) If the person on whom the notice to owner was served—

- (a) was not the owner of the vehicle at the time of the alleged offence, and
- (b) provides a statutory statement of ownership to that effect in response to the notice before the end of the period allowed for response to the notice,

he shall not be liable in respect of the offence by virtue of this Article nor shall any sum determined by reference to the fixed penalty for the offence be so registered by virtue of this Article for enforcement against him as a fine.

(5) Subject to paragraph (6)—

- (a) for the purposes of the institution of proceedings by virtue of paragraph (3) against any person on whom a notice to owner has been served, and
- (b) in any proceedings brought by virtue of that paragraph against any such person,

it shall be conclusively presumed (notwithstanding that that person may not be an individual) that he was the driver of the vehicle at the time of the alleged offence and, accordingly, that acts or omissions of the driver of the vehicle at that time were his acts or omissions.

(6) That presumption does not apply in any proceedings brought against any person by virtue of paragraph (3) if, in those proceedings, it is proved that at the time of the alleged offence the vehicle was in the possession of some other person without the consent of the accused.

(7) Where—

- (a) by virtue of paragraph (3) proceedings may be brought in respect of an offence against a person on whom a notice to owner was served, and
- (b) Article 79(1) does not apply,

Article 19(1)(a) of the Magistrates' Courts (Northern Ireland) Order 1981 (complaint must be made within 6 months of time offence committed) shall have effect as if for the reference to 6 months there were substituted a reference to 12 months.

Restrictions on proceedings against owner and others

70.—(1) In any case where a notice to owner relating to an offence may be served under Article 68, no proceedings shall be brought in respect of the offence against any person other than a person on whom such a notice has been served unless he is identified as the driver of the vehicle at the time of the alleged offence in a statutory statement of facts provided in pursuance of Article 68(6)(b) by a person on whom such a notice has been served.

(2) Proceedings in respect of an offence to which a notice to owner relates shall not be brought against the person on whom the notice was served unless, before the end of the period allowed for response to the notice, he has given notice, in the manner indicated by the notice to owner, requesting a hearing in respect of the offence.

(3) Proceedings in respect of an offence to which a notice to owner relates may not be brought against any person identified as the driver of the vehicle in a statutory statement of facts provided in response to the notice if the fixed penalty is paid in accordance with this Part before the end of the period allowed for response to the notice.

(4) Once any sum determined by reference to the fixed penalty for an offence has been registered, by virtue of Article 69, under Article 76 for enforcement as a fine against a person on whom a notice

to owner relating to that offence has been served, no proceedings shall be brought against any other person in respect of that offence.

Hired vehicles

71.—(1) This Article applies where—

- (a) a notice to owner has been served on a vehicle-hire firm,
- (b) at the time of the alleged offence the vehicle in respect of which the notice was served was let to another person by the vehicle-hire firm under a hiring agreement to which this Article applies, and
- (c) within the period allowed for response to the notice the firm provides the [F5relevant person] with the documents mentioned in paragraph (2).

(2) Those documents are a statement on an official form, signed by or on behalf of the firm, stating that at the time of the alleged offence the vehicle concerned was hired under a hiring agreement to which this Article applies, together with—

- (a) a copy of that hiring agreement, and
- (b) a copy of a statement of liability signed by the hirer under that hiring agreement.

(3) In this Article a “statement of liability” means a statement made by the hirer under a hiring agreement to which this Article applies to the effect that the hirer acknowledges that he will be liable, as the owner of the vehicle, in respect of any fixed penalty offence which may be committed with respect to the vehicle during the currency of the hiring agreement and giving such information as may be prescribed.

(4) In any case where this Article applies, Articles 68, 69 and 70 shall have effect as if—

- (a) any reference to the owner of the vehicle were a reference to the hirer under the hiring agreement, and
- (b) any reference to a statutory statement of ownership were a reference to a statutory statement of hiring,

and accordingly references in this Part (with the exceptions mentioned below) to a notice to owner include references to a notice served under Article 68 as it applies by virtue of this Article.

This paragraph does not apply to references to a notice to owner in this Article or in Article 86(2) (b) or in Part I of Schedule 2.

(5) In any case where this Article applies, a person authorised in that behalf by the [F6person] may, at any reasonable time within 6 months after service of the notice to owner (and on the production of his authority) require the firm to produce the originals of the hiring agreement and statement of liability in question.

(6) If a vehicle-hire firm fails to produce the original of a document when required to do so under paragraph (5), this Article shall thereupon cease to apply (and Article 69 shall apply accordingly in any such case after that time as it applies in a case where the person on whom the notice to owner was served has failed to provide a statutory statement of ownership in response to the notice within the period allowed).

(7) This Article applies to a hiring agreement under the terms of which the vehicle concerned is let to the hirer for a fixed period of less than 6 months (whether or not that period is capable of extension by agreement between the parties or otherwise); and any reference in this Article to the currency of the hiring agreement includes a reference to any period during which, with the consent of the vehicle-hire firm, the hirer continues in possession of the vehicle as hirer, after the expiry of the fixed period specified in the agreement, but otherwise on the terms and conditions so specified.

(8) In this Article—

“hiring agreement” refers only to an agreement which contains such particulars as may be prescribed and does not include a hire-purchase agreement within the meaning of the Consumer Credit Act 1974,

[^{F7}“relevant person” means—

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

“vehicle-hire firm” means any person engaged in hiring vehicles in the course of a business.

- F5** Words in art. 71(1)(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. 10(a)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F6** Words in art. 71(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. 10(b)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F7** Art. 71(8): definition of "relevant person" 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. 10(c)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1

False statements in response to notices to owner

72. A person who, in response to a notice to owner, provides a statement which is false in a material particular and does so recklessly or knowing it to be false in that particular is guilty of an offence.

“Owner”, “statutory statement” and “official form”

73.—(1) For the purposes of this Part, the owner of a vehicle shall be taken to be the person by whom the vehicle is kept; and for the purposes of determining, in the course of any proceedings brought by virtue of Article 69(3), who was the owner of a vehicle at any time, it shall be presumed that the owner was the person who was the registered keeper of the vehicle at that time.

(2) Notwithstanding the presumption in paragraph (1), it is open to the defence in any proceedings to prove that the person who was the registered keeper of a vehicle at a particular time was not the person by whom the vehicle was kept at that time and to the prosecution to prove that the vehicle was kept by some other person at that time.

(3) References in this Part to statutory statements of any description are references to the statutory statement of that description defined in Schedule 2; and that Schedule shall also have effect for the purpose of requiring certain information to be provided in official forms for the statutory statements so defined to assist persons in completing those forms and generally in determining what action to take in response to a notice to owner.

(4) In this Part “official form”, in relation to a statutory statement mentioned in Schedule 2 or a statement under Article 71(2), means a document supplied by or on behalf of the Chief Constable [^{F8}or the Department] for use in making that statement.

- F8** Words in art. 73(4) 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. 11**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1

Changes to legislation:

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