
STATUTORY INSTRUMENTS

2007 No. 916

The Road Traffic (Northern Ireland) Order 2007

PART II

OFFENCES AND ENFORCEMENT

Graduated fixed penalties

Graduated fixed penalties

22. Article 59 of the Offenders Order (amount of fixed penalty) shall be renumbered as paragraph (1) of that Article and after that paragraph insert—

“(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.”.

Graduated fixed penalty points

23.—(1) Article 30 of the Offenders Order (penalty points to be attributed to an offence) is amended as follows.

(2) For paragraph (3) substitute—

“(3) For the purposes of Articles 63(5) and 82(4), the number of penalty points to be attributed to an offence is—

- (a) where a range of numbers is shown in the last column of Part I or Part II of Schedule 1 in relation to an offence, the lowest number in the range, or
- (b) where a range of numbers followed by the words “or appropriate penalty points (graduated fixed penalty)” is shown there in relation to the offence, the appropriate number of penalty points for the offence.

(3A) For the purposes of paragraph (3)(b) the appropriate number of penalty points for an offence is such number of penalty points as the Department may by order prescribe.

(3B) An order made under paragraph (3A) in relation to an offence may make provision for the appropriate number of penalty points 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;

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: The Road Traffic (Northern Ireland) Order 2007, Cross Heading: Graduated fixed penalties is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (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.”.
- (3) After paragraph (7)(a) insert–
- “(ab) add or delete the words “or appropriate penalty points (graduated fixed penalty)” in relation to an offence in the last column of Part I or Part II of Schedule 1.”.
- (4) After paragraph (7) insert–
- “(7A) Before making an order under paragraph (3A) the Department must consult with such representative organisations as it thinks fit.”.
- (5) In paragraph (8) for “paragraph (7)” substitute “ this Article ”.

PROSPECTIVE

Graduated fixed penalty points for speeding offences

- 24.** In Schedule 1 to the Offenders Order (prosecution and punishment of offences)–
- (a) in Part I, in column (7), for the entry relating to Article 7 of the Road Traffic Regulation (Northern Ireland) Order 1997 (NI 2) (temporary traffic regulation) substitute “ 2-6 or appropriate penalty points (graduated fixed penalty) if as described in column 5. ”;
 - (b) in Part I, in column (7), for the entry relating to Article 43 of the Road Traffic Regulation (Northern Ireland) Order 1997 (contravening speed limit) substitute “ 2-6 or appropriate penalty points (graduated fixed penalty) if as described in column 5. ”;
 - (c) in Part II, in column (4), for the entry relating to Article 20 of the Roads (Northern Ireland) Order 1993 (NI 15) (restriction on use of special roads) substitute “ 2-6 or appropriate penalty points (graduated fixed penalty) if committed in respect of a speed restriction, 3 in any other case. ”.

Status:

This version of this cross heading contains provisions that are prospective.

Changes to legislation:

The Road Traffic (Northern Ireland) Order 2007, Cross Heading: Graduated fixed penalties is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made 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:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch. 2 para. 4(d)-(g) repealed by [S.I. 2007/916 \(N.I.\) Sch. 8 Pt. 5](#)
- Sch. 4 para. 7(a)(b) repealed by [S.I. 2007/916 \(N.I.\) Sch. 8 Pt. 5](#)
- Sch. 4 para. 13(b)(c)(d) repealed by [S.I. 2007/916 \(N.I.\) Sch. 8 Pt. 5](#)
- Sch. 4 para. 21(a)-(c) repealed by [S.I. 2007/916 \(N.I.\) Sch. 8 Pt. 5](#)