EXPLANATORY MEMORANDUM TO

The Penalty Charges (Additional Contraventions) Regulations (Northern Ireland) 2014

S. R. 2014 No. 278

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department for Regional Development to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under Article 4(3) of the Traffic Management (Northern Ireland) Order 2005 and is subject to the negative resolution procedure.

2. Purpose

2.1. The purpose of the rule is to provide for the civil enforcement of contravening a prohibition or restriction on the entering or proceeding of a vehicle in a bus lane.

3. Background

3.1. The Traffic Management (Northern Ireland) Order 2005 ("the Order") makes provision for the civil enforcement of certaon road traffic offences by the Department. A penalty charge is payable with respect to the contraventions specified in Schedule 1 to the Order. Article 4(3) of the Order provides that the Department may by regulations amend Schedule 1, by adding any contravention of a statutory provision involving a vehicle, whether stationary or not. This rule will add a number of further contraventions primarily related to the use of bus lanes to the Schedule.

3.2. The Department is taking forward a project to better enforce bus lanes and other bus priority measures by making driving in a bus lane a civil as well as a criminal offence. This will enable the PSNI to continue to enforce criminal offences but with the Department being able to enforce civil offences through the use of static enforcement cameras and a mobile camera unit.

3.3. The rule will amend Schedule 1 to the Order of 2005 by adding the following additional contraventions.

3.4. Offences under Article 4(5) of the Road Traffic Regulation (Northern Ireland) Order 1997 of contravening— a prohibition or restriction on the entering or proceeding of a vehicle in a bus lane; a prohibition on the use of motor vehicles under The Prohibition of Traffic (Chichester Street, Belfast) Order (Northern Ireland) 2007; a prohibition on motor vehicles entering Donegall Square West, Belfast under The Prohibition of Traffic (Belfast) Order (Northern Ireland) 1979; a prohibition on a vehicle entering or proceeding in the link road from Dublin Road to Market Square, Antrim under The Control of Traffic (Antrim) Order (Northern Ireland) 2008; and a prohibition on the use of a length of Castle Street,

Belfast under Article 7 of The Control of Traffic (Belfast) Order (Northern Ireland) 2011.

3.5. Offences under Article 20(4) of the Roads (Northern Ireland) Order 1993 of contravening— a prohibition on the entering, proceeding or waiting of a vehicle under The Westlink (Busways) Regulations (Northern Ireland) 2008; and a prohibition on the entering, proceeding or waiting of a vehicle in a bus lane under Article 9 of The Motorway Traffic Regulations (Northern Ireland) 2008.

3.6. The rule will enable the Department to take enforcement action against vehicles that, without proper authority, enter or proceed in a bus lane during its hours of operation or in a length of carriageway where vehicles other than buses are prohibited.

4. Consultation

4.1. There is no legal requirement to go to public consultation to make this rule. The PSNI has been consulted and has no objection.

5. Equality Impact

5.1. Consideration has been given to compliance with Section 75 of the Northern Ireland Act 1998. No equality issues have been identified by the Department.

6. Regulatory Impact

6.1. A Regulatory Impact Assessment was not considered necessary as the proposal does not result in any costs or savings to business, charities or the voluntary bodies.

7. Financial Implications

7.1. None

8. Section 24 of the Northern Ireland Act 1998

8.1. Consideration has been given to compliance with Section 24 of the Northern Ireland Act 1998. No human rights issues have been identified by the Department.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. Not applicable.

11. Additional Information

11.1. Not applicable.