EXPLANATORY MEMORANDUM TO

The Penalty Charges (Prescribed Devices) Regulations (Northern Ireland) 2014

S. R. 2014 No. 279

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 8(1) 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 prescribe a device which will record evidence of a fact relevant to a road traffic contravention.

3. Background

3.1. The Traffic Management (Northern Ireland) Order 2005 ("the Order") makes provision for the civil enforcement of certain road traffic offences by the Department. Article 7 of the Order provides for the Department to issue a penalty charge notice on the basis of a record produced by a prescribed device. Article 8(1) provides for the Department to make Regulations to prescribe a device.

3.2. The proposed rule will prescribe a device which consists of a camera and a recording system that produces a legible image or images as evidence of a fact relevant to a road traffic contravention specified in Schedule 1 to the Order.

3.3. The Department only proposes to use the prescribed device to identify unauthorised vehicles entering and proceeding on bus lanes during their hours of operation.

3.4. The device will be programmed with a number of parameters which will allow it to identify if an offence appears to be being committed. When the device identifies that an offence appears to be being committed it will record the offence and transmit the details to officials to review and decide whether a penalty charge notice (PCN) should be issued.

3.5. The proposed rule is laid in line with the information provided to the Committee in the SL1.

4. Consultation

4.1. The PSNI has been consulted and has no objection.

4.2. EU Member States were also consulted. No comments were received.

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. The Statutory Rule has been notified to the European Commission pursuant to Directive 98/34/EC of 22nd June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society Services (O.J. No. L204, 21.07.98, p. 37-48) as amended by Directive 98/48/EC of 20th July 1998 (O.J. No. L217, 05.08.98, p. 18-26). A three month standstill period was allowed to give Member States an opportunity to comment. No comments were received.

10. Parity or Replicatory Measure

10.1. Not applicable.

11. Additional Information

11.1. Not applicable.