EXPLANATORY MEMORANDUM TO

The Road Traffic (Financial Penalty Deposit) (Amendment) Order (Northern Ireland) 2014

S.R. 2014 No. 233

1. Introduction

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

1.2. The Statutory Rule is made under Article 91B(2)(b) of the Road Traffic Offenders (Northern Ireland) Order 1996 and is subject to the negative resolution procedure.

2. Purpose

2.1. The Order amends the Schedule to the Road Traffic (Financial Penalty Deposit) Order (Northern Ireland) 2012 ("the 2012 Order") by adding the offence of using or keeping a heavy goods vehicle ("HGV") on a road or other public place without paying the levy in accordance with section 11(1) of the HGV Road User Levy Act 2013 ("the 2013 Act") to the list of offences for which a financial penalty deposit may be required.

2.2. The Order also omits the reference in Table 1 of the Schedule to the 2012 Order to section 17(3) of the Transport Act (Northern Ireland) 1967 which is now covered by section 1(6) of the Goods Vehicles Licensing of Operators) Act (Northern Ireland) 2010.

3. Background

3.1. The 2013 Act, which came into force on 1st April 2014, introduced a specific time based charge for using or keeping a HGV weighing 12 tonnes or more on the public road in the UK.

3.2. The key objective of the levy is to ensure a fairer arrangement for UK hauliers. Currently, foreign-registered HGVs do not pay to use the road network in the UK, whereas UK-registered HGVs pay charges or tolls in most other European countries.

4. Consultation

4.1. The Department consulted on proposals to introduce secondary legislation relating to the 2013 Act between 2nd January and 4th February 2014.

4.2. Three objections to the levy itself were received. The objections have been noted and concerns passed to the Department of Transport who are responsible for introducing the levy.

5. Equality Impact

5.1. Consideration has been given to compliance with section 75 of the Northern Ireland Act 1998. An Equality Screening Exercise has been completed and as no equality issues have been identified a full Equality Impact Assessment was considered unnecessary.

6. Regulatory Impact

6.1. The main businesses affected are the road haulage and freight transport industries. However, there will be no additional costs or administrative burden for those who comply with the law.

7. Financial Implications

7.1. There will be no additional costs.

8. Section 24 of the Northern Ireland Act 1998

8.1. The Department has considered the matter of convention rights and community law and is satisfied that there are not matters of concern.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. This Order replicates The Road Safety (Financial Penalty Deposit) (Amendment) Order 2014 (S.I. 2014/267).

11. Additional Information

11.1. Not applicable.