EXPLANATORY MEMORANDUM TO

The Road Traffic (Fixed Penalty) (Amendment) Order (Northern Ireland) 2014

S.R. 234

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 59(1) of the Road Traffic Offenders (Northern Ireland) Order 1996 and is subject to the negative resolution procedure.

2. Purpose

2.1. The purpose of the rule is to amend Schedule 1 to the Road Traffic (Fixed Penalty) Order (Northern Ireland) 2007 by inserting an amount of £300 for a fixed penalty prescribed for an offence under section 11 of the HGV Road User Levy Act 2013 ("the Act").

3. Background

3.1. The Act, which came into force on 1st April 2014, introduced a specific time based charge for using or keeping a heavy goods vehicle ("HGV") weighing 12 tonnes or more on a public road in the UK. Section 11 of the Act makes it an offence to use or keep an HGV on a road in the UK without paying the appropriate HGV Road User Levy.

3.2. A key objective of the Act 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 Act between 2nd January 2014 and 4th February 2014. There were no objections to the proposed legislation and those who responded were supportive of the proposed level of the penalty.

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 was given to compliance with section 75 of the Northern Ireland Act 1998. An Equality Screening Exercise was completed and as no equality issues were identified a full Equality Impact Assessment was not considered necessary.

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 to the Department in implementing this Statutory Rule as it already has the policy and procedures in place to deliver the scheme.

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 no matters of concern.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. This corresponding Great Britain Order is the Fixed Penalty (Amendment) Order 2014 (S.I. 2014/259) which came into force on 1st April 2014.

11. Additional Information

11.1. Not applicable.