EXPLANATORY MEMORANDUM TO

The Road Traffic (Fixed Penalty) (Offences) (Amendment) Order (Northern Ireland) 2013

S.R 2013 No. 5

The Road Traffic (Fixed Penalty) (Amendment) Order (Northern Ireland) 2013

S.R. 2013 No. 6

1. Introduction

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

1.2. The Statutory Rules are made under the sections set out below, and are subject to the negative resolution procedure.

1.3. The Road Traffic (Fixed Penalty) (Offences) (Amendment) Order (Northern Ireland) 2013 ("the first Order") is made under Article 57(2) of the Road Traffic Offenders (Northern Ireland) Order 1996.

1.4. The Road Traffic (Fixed Penalty) (Amendment) Order (Northern Ireland) 2013 ("the second Order") is made under Article 59(1) of the Road Traffic Offenders (Northern Ireland) Order 1996.

2. Purpose

2.1. The purpose of the first Order is to amend Schedule 1 to the Road Traffic (Fixed Penalty) (Offences) Order (Northern Ireland) 1997 by specifying an offence under section 1(6) of the Goods Vehicles Act (for using a goods vehicle without an operator's licence) to be a fixed penalty offence for the purposes of the Road Traffic Offenders (Northern Ireland) Order 1996. The Order also amends Schedule 1 by omitting a penalty for the same offence under provisions of the Transport Act (Northern Ireland) 1967.

2.2. The purpose of the second Order is to prescribe the amount of the fixed penalty for the offence by amending the Road Traffic (Fixed Penalty) Order (Northern Ireland) 2007 to provide for the new fixed penalty offence which has been specified as such by Article 2 of the Road Traffic (Fixed Penalty) (Offences) (Amendment) (Order) Northern Ireland 2013. The Order also amends Schedule 1 by omitting the fixed penalty for the same offence under provisions of the Transport Act (Northern Ireland) 1967.

3. Background

3.1. To facilitate the effective enforcement of the Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010 and associated Regulations, the Department is proposing to reintroduce a Fixed Penalty for an offence related to the duties and responsibilities of a licensed operator.

4. Consultation

4.1. Consultation documents were issued to interested parties between 26th October to 23rd November 2012 for each of the SRs. In total, 10 consultees responded, 5 of who simply noted/acknowledged the proposals but did not express any views on them. The majority of the substantive views of the remaining 5 were supportive of the proposals. The Environment Committee considered the synopsis at their meeting on 13 December 2012 and advised that they were content for the Department to proceed with the policy.

5. Equality Impact

5.1. Not applicable.

6. Regulatory Impact

6.1. A Regulatory Impact Assessment covering all three phases of the Graduated Fixed Penalty, Financial Penalty Deposit and Immobilisation Schemes were prepared and signed on 9 November 2010 when the first phase of Regulations were made and laid.

7. Financial Implications

7.1. Not applicable.

8. Section 24 of the Northern Ireland Act 1998

8.1. The proposed Regulations are not incompatible with Section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. Not applicable.

11. Additional Information

11.1. Not applicable.