EXPLANATORY MEMORANDUM TO

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

SR No. 231

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 57(2) of the Road Traffic Offenders (Northern Ireland) Order 1996 and is subject to the negative resolution procedure.

2. Purpose

2.1. The purpose of this Order is to amend Schedule 1 to the Road Traffic (Fixed Penalty) (Offences) Order (Northern Ireland) 1997 by specifying an additional offence under section 11 of the HGV Road User Levy Act 2013 (c.7) to be a fixed penalty offence for the purposes of the Road Traffic Offenders (Northern Ireland) Order 1996

3. Background

3.1. The HGV Road User Levy Act ("the Act"), came into force on 1 April 2014. It introduces a specific time based charge for using or keeping a heavy goods vehicle (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. Prior to the introduction of the Act, foreign registered HGVs did 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 2 January and 4 February 2014. There were no objections to the proposed secondary legislation and those who responded about the proposed level of penalty were supportive of the £300 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 has been given to compliance with section 75 of the NI 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 cost to the Department/DVA in implementing this Statutory Rule as it is 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. The corresponding GB legislation is contained in section 13 of the Act.

11. Additional Information

11.1. Not applicable.