

Dear Consultee

CONSULTATION ON THE ROAD TRAFFIC (FINANCIAL PENALTY DEPOSIT) (INTEREST) ORDER (NORTHERN IRELAND)

Background

On 17 June 2009 the Department of the Environment issued a consultation document, on the proposed implementing detail of graduated fixed penalty, financial penalty deposit and immobilisation schemes.

As indicated in the consultation document - a copy of which can be found on the Department of the Environment's Road Safety website at <http://applications.roadsafetyni.gov.uk/consultations/document.asp?docid=15573> should you wish to refer to it - one element of the schemes is being implemented by an Order made by the Department of Finance and Personnel (DFP) i.e. The Road Safety (Financial Penalty Deposit) (Interest) Order (Northern Ireland).

This Order has now been drafted and prescribes the rate to be used for calculating the amount of interest which will be added when a refund is required to be made. It provides that the rate of interest is the Bank of England base rate at the beginning of the day on which payment of the financial penalty deposit was made.

Question to Consultees

A copy of the draft Order is attached for your consideration.

Do you agree with the method of calculating the interest to be applied to refunded financial penalty deposit payments?

Please explain your answer and/or add any additional comments which you may wish to make.

How to Respond

Responses should be received no later than **7 January 2011** and should be sent in any of the following ways:-

Post to: **Richard Carson**
Department of Finance and Personnel
Rathgael House
Room S18
BT19 7NA
or

E-mail: **Richard.carson@dfpni.gov.uk**

When responding, please indicate whether you are responding as an individual or representing the views of an organisation. If responding on behalf of an organisation, please make it clear who the organisation represents, and where applicable, how the views of members were assembled.

If you have any questions on the matter, please contact **Richard Carson** on telephone number **02891858219**

A list of consultees is attached. If you have any suggestions about others who may wish to be involved in the consultation process, please let us know.

Internet Access

The consultation document may be freely reproduced and further copies are available on request. If it is not in a format that meets your needs, please contact **Richard Carson** who will arrange for it to be provided in a suitable format. A copy of the original consultation document can be found on the DOE website at <http://applications.roadsafetyni.gov.uk/consultations/document.asp?docid=15573> This consultation letter along with the draft order has also been placed on the DFP website at: <http://www.dfpni.gov.uk/index/about-dfp/consultation-zone.htm>

Freedom of Information Act 2000 – Confidentiality of Consultations

DFP will publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. DFP can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraphs below on the confidentiality of consultations and they will give you guidance on the legal position about any information given by you in response to this consultation.

The Freedom of Information Act gives the public a right of access to any information held by a public authority, namely, DFP in this case. This right of access to information includes information provided in response to a consultation. DFP cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity, should be made public or treated as confidential.

This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances. The Lord Chancellor's Code of Practice on the Freedom of information Act provides that:

- DFP should only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of the DFP's functions and it would not otherwise be provided.
- DFP should not agree to hold information received from third parties 'in confidence' which is not confidential in nature.
- Acceptance by DFP of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.

For further information about confidentiality of responses, please contact the Information Commissioner's Office at:

Information Commissioner's Office – Northern Ireland
Room 101
Regus House
33 Clarendon Dock
Laganside
Belfast
BT1 3BG

Tel. (028) 9051 1270
Email to ni@ico.gsi.gov.uk

Alternatively, see their website at: www.informationcommissioner.gov.uk

Yours sincerely

Richard Carson

List of those Consulted:

Amalgamated Transport & General Workers Union
Association of Chief Officers of Voluntary Organisations
Bar Council (NI)
Belfast Harbour Police
Belfast Law Centre
Belfast Solicitors Association
Catholic Bishops of Northern Ireland
Christian Road Safety League
Chinese Chamber of Commerce Northern Ireland
Civil Law Reform Division
Civic Forum
Committee on the Administration of Justice
Community Relations Council
Community Transport Association
Confederation of British Industry, Northern Ireland Branch
Council of HM County Court Judges in NI
Councils, borough, city and district
Department of the Environment Library
Disability Action
Education & Library Boards
Equality Commission for Northern Ireland
Federation of Passenger Transport (NI)
Federation of Small Businesses
Food Standards Agency
Freight Transport Association
General Consumer Council for Northern Ireland
Human Rights Commission
Inland Revenue
Inn of Court of Northern Ireland
Institute of Advanced Motorists
Institute of Directors (NI)
ICTU
Laganside Courts, Clerk of Petty Sessions
Law Centre (NI)
Law Reform Advisory Committee (NI)
The Law Society of Northern Ireland
Legal Deposit Libraries
Lord Chief Justice's Office (NI)
Northern Ireland MEPs
Northern Ireland MPs who are not also MLAs
Ministry of Defence
North South Ministerial Council – NI Secretariat
North West Taxi Proprietors Ltd.
Northern Ireland Accessible Taxi Association

Northern Ireland Ambulance Service
Northern Ireland Approved Driving Instructors Association
Northern Ireland Chamber of Trade
Northern Ireland Association of Citizens' Advice Bureaux
Northern Ireland Chamber of Commerce and Industry
Northern Ireland Council for Voluntary Action
Northern Ireland Council for Ethnic Minorities
Northern Ireland Court Service
Northern Ireland Fire and Rescue Service
Northern Ireland Government Departments
NIHSS Trusts Regional Transport Forum
Northern Ireland Judicial Appointments Commission
Northern Ireland Law Commission
Northern Ireland Local Government Association
Northern Ireland Office – Devolution and Legislation Division
Northern Ireland Ombudsman
NIPSA
Northern Ireland Resident Magistrates' Association
Northern Ireland Rural Womens' Network
Northern Ireland Statistics & Research Agency
Office of Law Reform (NI)
Office of the First Minister and Deputy First Minister
 - Machinery of Govt. Division
 - Central Management Unit
Participation and the Practice of Rights Project
Police Service of Northern Ireland, Development Branch
Leaders of political parties in the Assembly
Political parties not represented in the Assembly
Queen's University Belfast, Institute of Professional Legal Studies
Queen's University Belfast, School of Law
Road Haulage Association
Road Safety Council of Northern Ireland
Road Trauma Support
ROSPA (NI)
Rural Community Network
Rural Development Council
Society of Local Authority Chief Executives
Speaker of the Northern Ireland Assembly
Translink
Ulster Farmers Union
UNISON
Unite
University of Ulster, School of Law
West Belfast Taxi Association