Fil-qasam tal-ġustizzja ċivili, il-proċeduri u l-proċedimenti pendenti mibdija fi tmiem il-perjodu ta' tranżizzjoni se jkomplu skont il-liġi tal-UE. Il-Portal tal-e-Ġustizzja, abbażi tal-ftehim reċiproku mar-Renju Unit, se jżomm l-informazzjoni rilevanti marbuta mar-Renju Unit sa tmiem l-2024.

Defendants (criminal proceedings)

L-Irlanda ta' fuq

These factsheets explain what happens when you are suspected or accused or a crime which is dealt with by a trial in court. For information on road traffic offences, which are usually dealt with by a fixed penalty (fine), see Factsheet 5. If you are the victim of a crime, you can find full information about your rights here. Please note that these factsheets apply only to Northern Ireland. If you want to know your rights in other parts of the United Kingdom, see the separate factsheets for England/Wales and Scotland.

Summary of the criminal process

The following is a very basic summary of the normal stages in the criminal process:
Investigation by the Police Service of Northern Ireland of whether a crime has been committed and who committed it;
Arrest, questioning and charging of the suspect;
Consideration of the evidence by the Public Prosecution Service with a view to determining whether the suspect will be prosecuted;
Preparation for court;
Trial of the issues or a plea of guilty by the defendant (in the Crown Court for more serious offences and in the Magistrates' Court for other offences);
Sentencing where the defendant has pleaded guilty or been convicted at trial;
Possible appeal.
Details about all of these stages in the process and about your rights can be found in the factsheets. This information is not a substitute for legal advice and is intended to be for general guidance only.

Role of the European Commission

Please note that the European Commission has no role in criminal proceedings in Member States and cannot assist you if you have a complaint. Information is provided in these factsheets about how to complain and to whom.

Click on the links below to find the information that you need

1 – Getting legal advice
2 – My rights during the investigation of a crime
Investigation and arrest
Interview and charge
Court appearance before trial
Preparation of case before trial
3 – My rights during the trial
4 – My rights after the trial
5 – Road traffic offences

Related links

Citizens Advice Bureau, Northern Ireland

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1 - Getting legal advice

Getting independent legal advice is very important when you are involved in some way with the criminal process. The factsheets tell you when and in what circumstances you are entitled to be represented by a lawyer. They also tell you what a lawyer will do for you. This general factsheet tells you how to find a lawyer and how the costs of the lawyer will be met if you cannot afford to pay.

Right to legal advice

If you have been arrested or if you are attending the police station voluntarily to answer police questions, it is your right to consult a lawyer free of charge. You also have the right to have the lawyer present during questioning by police. For more information on your right to legal advice, see Factsheet 2.

Finding a lawyer

You can choose any lawyer you wish who is willing to assist you. The Law Society of Northern Ireland will be able to provide you with a list of lawyers whom you may contact. If when arrested you do not know of a lawyer to contact, the police will give you the chance to choose one from a list of lawyers who are willing to provide legal advice.

Paying for a lawyer

Whether you have been arrested and detained by the police or are attending a police station voluntarily, then free legal advice and assistance is available under the legal aid scheme. The lawyer is responsible for taking care of this matter.

Related links

Police and Criminal Evidence (Northern Ireland) Order 1989
Code of Practice C http://www.opsi.gov.uk/si/si1989/uksi_19891341_en_1
The Law Society of Northern Ireland
Citizens Advice Bureau, Northern Ireland
Northern Ireland Legal Services Commission

Agencies involved in criminal justice

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2 - My rights during the investigation of a crime and before the case goes to court

This factsheet deals with the procedure used during criminal investigations. They also tell you what happens after the investigation and before the criminal trial takes place.

What are the stages of a criminal investigation?

A criminal investigation begins when the police suspect a crime may have been committed. The police investigate to discover if a crime has been committed and by whom. The police conduct the investigation, gathering evidence and may charge suspects with a crime. The police then report to the Public Prosecution Service (PPS), who usually decide what, if any, charges are suitable.

If the police identify you as a suspect they might arrest and interview you as part of the inquiry. A key stage is the decision to arrest.

After a period in custody for questioning, the next key stage is the decision to charge. If the police decide you should still be kept in custody, you will be taken to a court who will decide whether or not to release you on bail before the trial.

Important notes:

If you are being investigated for alleged terrorist offences your rights and the police powers are different from those discussed below (see the Terrorism Act 2000 which is outside the scope of these factsheets);

If you are under 18, there are some additional safeguards of which you should be aware. You should ask the lawyer to explain carefully the procedures that will be followed in your case.

For more information, click on the links below:

Investigation and arrest (1)
Interview and charge (2)
Court appearance before trial (3)
Preparation of case before trial (4)

Investigation and arrest (1)

Will the police ask me questions?

If the police think that you may have committed a crime or have information about a crime, they can ask you questions to help their investigation.

Must I go to a police station?

The police can stop you, search you and ask you questions in the street or other public place. If asked, you should tell the police your name and address. If the police suspect you of a crime, they may ask you to go to a police station voluntarily. They also have the power to arrest you on reasonable suspicion and take you to a police station against your wishes. They must tell you why they are doing so.

Am I free to leave the police station?

If you are at a police station, either as a suspect or possible witness, but have not been arrested, the police must tell you that you are free to leave whenever you wish.

What is arrest?

Arrest means placing you under detention for the purpose of enforcing the law. If the police want to keep you in the police station against your will they must arrest you.

What happens once I am arrested?

If you are arrested the police must tell you the reasons why. The police must also explain why they have arrested you and must caution you. You must be taken to the police station as soon as possible. Once you arrive at the police station the custody officer will decide whether your detention should be authorised.

What happens if I do not speak the language?

If you do not understand the language, the police must get an interpreter for you. The interpreter will be free of charge.

Can I have a lawyer?

If you are arrested, you have the right to have a lawyer to help you. If you do not know a lawyer the police will provide you with names of solicitors you may contact and who are willing to give advice. For more information see Getting legal advice.

Can I contact someone to inform them that I have been arrested?

Yes. You have the right to tell someone that you have been arrested. The police will permit you to make a telephone call for this purpose.

Can the police search me?

Even if you are not under arrest the police have the power to stop and search you or your vehicle but only if they have reasonable grounds for suspecting you have stolen or prohibited articles. If you have not been arrested you do not have to provide blood or other samples, and the police cannot take your fingerprints without consent.

If you have been arrested the police can search your clothes and bags **and can also seize these items for evidence**. The police can also take your fingerprints and get permission to take samples from parts of your body, for example blood, saliva or other body tissues.

Police may retain your fingerprints or samples if taken during the course of an investigation and police suspect your involvement in the offence. This applies even if you are not prosecuted or convicted of the offence.

Must I take part in an identification parade?

If you have been arrested the police can require you to take part in an identification parade. Normally a parade consists only of video photographs being shown to the suspect. The duty solicitor can help you if a parade takes place.

Can the police search my car or premises?

Yes. Once you have been arrested the police may enter and search any premises in which you were located when arrested or immediately before being arrested for evidence relating to the offence. The police can also search any premises or vehicle on reasonable suspicion and remove property if it is relevant to the investigation, but only with authority from a senior officer.

Can I see a doctor if I need one?

If you need medical help you have the right to see a doctor. You should tell the police why you need medical help.

What if I have a recognised physical or mental health condition?

If you suffer from a recognised physical or mental health condition, the police must ensure that all necessary measures are put in place to address the issue including the attendance of an appropriate adult where appropriate.

I am from another Member State. Can I contact my Embassy?

If you are from another country, you have the right to contact your Embassy for help. In some cases, this is automatic. A representative from the Embassy will come to the police station or contact you to see if you need help.

What happens if I am arrested on a European Arrest Warrant?

If a European Arrest Warrant is issued by one Member State, you can be arrested in another Member State and sent back to the country concerned after a hearing before a judge. You are entitled to have a lawyer and an interpreter if you need one.

When will the police charge me?

If the police think that there is enough evidence against you, they can charge you with a crime. The charge informs you what crime the police think you have committed. Once you have been charged the police cannot question you further about that crime. However, when you go to trial the prosecutor may charge you with a different crime.

How long can I be detained by the police after arrest?

Once you are arrested the police can detain you at a police station for up to 24 hours. A senior officer (superintendent) may extend this period to 36 hours if he has reasonable grounds for believing that detaining you is necessary to secure or preserve evidence, the offence is a serious one and that the investigation is being conducted diligently and expeditiously.

After that time you must be charged with an offence or released from police custody without charge. If the police wish to detain you further they must obtain permission from a Magistrates' Court. The court can extend the period up to 72 hours. If police want to detain you for yet longer, they must return to the Magistrates' Court for permission to do so. The maximum detention period in total is 96 hours.

For your rights to legal assistance during this stage of the proceedings see Getting legal advice.

Complaints against the police

If you think you have been treated inappropriately by the police, you may complain to the Police Ombudsman for Northern Ireland. You should ask your lawyer to take this matter up on your behalf.

Interview and charge (2)

When can I be interviewed?

If you are detained at a police station under arrest, the custody officer must ensure that you are fit enough, both mentally and physically, to be interviewed. In any period of 24 hours during which you are detained you must be allowed a continuous period of at least 8 hours for rest, free from questioning, travel or any interruption in connection with the investigation. During an interview you should generally be permitted 15 minute refreshment breaks every 2 hours.

Must I answer the police's questions?

You do not have to answer any question which the police ask you. If you are a suspect the police have to give you a formal warning (a caution) before they ask questions. The caution warns you that you do not have to answer questions but that, if you do say anything, what you say can be used as evidence in court. You must also be told that if you fail to say something that you later rely on in court then the fact that you did not mention it to the police may be used as evidence against you.

How are police interviews conducted?

If at a police station the interview will take place in an interview room. The interview will normally be conducted by the police officer investigating the offence and will normally be tape-recorded. The recording process must be explained to you before interview. You will be entitled to select one of these cassettes at the end of the interview and the other tape will be stored by the police.

When will the police charge me?

If the police think that they have enough evidence against you, they can charge you with a crime. Once you have been charged the police cannot question you further about that crime. The charges may be altered at a later stage in the process.

Court appearances before the trial (3)

When do I first appear in court?

If you have been held in police custody, you must be taken to court on the next day it is sitting. Normally, the first hearing will be in the Magistrates' Court (where the case will be dealt with by a District Judge).

Do I have the right to a lawyer?

You have the right to a lawyer in court. See Getting legal advice.

Will there be an interpreter if I don't speak the language?

If you don't speak the language then an interpreter will be provided for you, free. The interpreter will translate the charges against you and all of the court proceedings.

Can I be released from custody?

If you are held in custody, whatever crime you are charged with, you can apply to the court to be released on bail. You will normally be granted bail unless there is a risk of further offending, a risk of interference with witnesses or a risk of you not attending court on the next occasion. Bail may be granted subject to conditions, such as that you must reside at a certain address and must stay at home during certain hours. You must attend court as and when required for your bail to be renewed. If the court refuses bail, you will be taken to prison until your trial.

Can I appeal the decision to keep me in prison until the trial?

If you are refused bail in the Magistrates' Court, you are entitled to apply for bail afresh in the High Court. Your lawyer will advise you on this matter and will prepare the necessary documentation for the new application to be made.

The High Court will normally be able to hear your application within a matter of days from the refusal of bail by the Magistrates' Court. If you are refused bail by the High Court, a further application can normally be made only where there has been a change of circumstances or where new information is brought to the Court's attention.

Will I appear in court again before the trial?

There will usually be a number of occasions on which your case will be listed before the court again before your trial. Your lawyer will explain this to you in more detail and will advise you on what needs to be done at each appearance.

How long can I be held in prison before the trial?

This will usually depend on the nature and complexity of the case. While there are not strict statutory time-limits for bringing cases to trial in Northern Ireland, the European Convention on Human Rights entitles you to a fair trial within a reasonable time. Your lawyer will advise you of the appropriate steps to be taken if your case is not brought to trial within a reasonable time.

Preparation of the case before the trial (4)

What happens before the trial?

In the period before your trial, the PPS continues to review whether the case is strong enough to justify going to court. Their evidence must be shared with your lawyer. You and your lawyer will be entitled to see all the evidence that the prosecution will use against you at trial. For example, if witnesses are to give evidence against you at the trial, you will be given the written statement of each witness.

The prosecution must also disclose to you any material that may weaken the prosecution case or assist your case. They must continually review the evidence and disclose to you any material falling within that test.

I am from another Member State. Do I have to be present in Northern Ireland before the trial?

If you are not being held in custody, you are free to go back to your own country, unless the Court has attached a condition to your bail that you must remain in Northern Ireland. You must, however, appear at Court when required to answer your bail and for your trial. Failure to do so is a criminal offence.

If there is a condition attached to your bail that you must remain in Northern Ireland, you can apply to the Court for this to be varied. For some preliminary hearings, your lawyer can ask the Court not to require your attendance. If you are in any doubt about your entitlement to leave the jurisdiction, you should seek your lawyer's advice on the matter.

Will my case always go to trial?

There must be enough evidence to justify bringing the case to court. It is possible that the PPS may decide during the pre-trial stage that there is not sufficient evidence, or that it is not in the public interest, to go to trial in relation to some or all of the charges. If this happens then some or all of the charges against you may be withdrawn.

What kind of evidence will the prosecution collect?

The police will interview witnesses in the case and may also collect physical and forensic evidence. For example, they may collect documents from your home or place of work, they might search your car or collect samples of your DNA (e.g. hair, saliva etc).

Can I prevent the prosecution from collecting certain evidence?

Sometimes the police have to obtain a search warrant, but that can be challenged. Usually warrants have to be specific about what can be searched and why. If the police search in places not authorised by the warrant, then the evidence that they collect might not in some cases be allowed in the trial.

Will information be requested about my criminal record?

The prosecution will gather information about your criminal record, including convictions from outside the UK.

Can the charges against me change before the trial?

Yes. This depends on the prosecution's assessment of the evidence available. Your lawyer can suggest that it would be appropriate for the charges to be changed.

What happens if I have been tried for the same offence in another Member State?

If a final decision on the same facts has been made by a court in one Member State then you cannot be tried again on the same facts in another Member State.

Can I plead guilty before the trial?

Yes. If you have pleaded not guilty in the first instance you can change your plea to guilty at a subsequent hearing. It is an important principle that a plea of guilty must be voluntary: you will, of course, be advised by your lawyer on the strengths and weaknesses of the prosecution case, but ultimately the decision on whether you plead guilty is a matter for you.

Related links

Police Service of Northern Ireland
Public Prosecution Service of Northern Ireland
Citizens Advice Bureau, Northern Ireland
Police Ombudsman for Northern Ireland
Police and Criminal Evidence (Northern Ireland) Order 1989 and Codes of Practice A, B, C, D, E
Magistrates' Court (Northern Ireland) Order 1981
Human Rights Act 1998

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3 - My rights during the trial

Where will the trial be held?

All criminal cases start in the Magistrates' Court. There are three possible ways the case may then proceed. For minor ("summary") offences the whole trial must be conducted in the Magistrates' Court by a District Judge. For more serious offences the trial will eventually be conducted in the Crown Court by a judge and jury of 12 people. Some offences can be tried in either the Magistrates' Court or the Crown Court. Trials held in the Crown Court are called trials "on indictment"; that is the name of the formal document detailing the charges that you face. All trials are held in public.

If you are under 18, unless the offence charged is very serious, the trial will be in a Youth Court which is a special Magistrates' Court with one District Judge sitting with two lay persons trained to deal with cases involving young people. The public will not be allowed into the court.

Can the charges be changed during the trial?

Generally the charges cannot be changed during the trial. The prosecutor may, however, depending on the course of the evidence, agree to accept your plea of guilty to a less serious crime than the one you have been charged with.

Do I have to be present at the trial?

If you have been released on bail it is a criminal offence not to attend court when required. In the Crown Court the trial cannot normally be held without you being present. However, in very exceptional circumstances, if you disrupt the proceedings or abscond during the trial, a trial can go ahead without you at the judge's discretion.

If you fail to attend for trial in the Magistrates' Court, there are limited circumstances in which the Court may proceed to find you guilty in your absence. For some minor cases in the Magistrates' Court, you can plead guilty by post.

Will I have an interpreter if I do not understand what is happening?

The court proceedings will be held in the English language. If you do not understand English the court will provide an interpreter for you.

Will I have a lawyer?

You are entitled to have a lawyer represent your case at the trial. The lawyer will also question any prosecution witnesses on your behalf (see Factsheet 1 for information on how to obtain a lawyer).

Do I need to give evidence at the trial?

You can give evidence at the trial but cannot be made to do so. Your lawyer will advise whether you should. If you refuse to give evidence without good reason (e.g. mental illness) that may count against you but you cannot be convicted solely because you remained silent at trial. If you do give evidence, the prosecution has the right to cross examine you.

What are my rights in relation to the evidence against me?

All evidence on which the prosecution intends to rely must be disclosed to your lawyer before the trial. That gives you advance notice of the case against you and gives your lawyer the opportunity to prepare to challenge it. If you dispute the evidence of a witness, then the witness will normally be required to attend court to give the evidence orally.

A witness who gives evidence against you can then be cross-examined by your lawyer to challenge their account. A statement of evidence can be read to the Court if you do not dispute it.

Can I produce evidence on my behalf?

You can give oral evidence yourself. You can also ask witnesses to give evidence for you. Your witnesses will be led through their evidence by your lawyer and can then be cross-examined by the prosecution lawyer. You also have the right to produce other evidence for your defence, for example documentary evidence.

Will information about my criminal record be taken into account?

Before the trial the prosecutor will gather information about your criminal record. This may include your previous convictions in another Member State. In certain situations the information will be revealed to the court, but your lawyer will be able to challenge whether that should happen. Even if your criminal record is taken into account by the court, you will not be convicted simply because you have a criminal record.

What happens at the end of the trial?

After all the evidence has been given, the decision (called “a verdict”) is made on whether you are guilty or not guilty. In the Magistrates’ Court, the District Judge decides on the verdict. In the Crown Court the jury alone will decide the verdict.

If the verdict is not guilty (you are “acquitted”), the case against you ends. If the verdict is guilty (you are “convicted”) the judge will pass a sentence on you. In serious cases there will be a separate court hearing for sentencing.

What sentence will I receive?

The sentence will depend on the seriousness of the crime. For serious offences you may be sent to prison. The judge must tell you how long you will stay in prison. The judge will follow established rules and guidelines in deciding on the sentence. Any time you have already spent in prison awaiting trial will be deducted from the period of imprisonment imposed.

In certain cases, the judge may “suspend” the sentence of imprisonment, which means that it will only be enforced if you commit another crime within the period specified by the judge. Other possible sentences include fines and community-based sentences (for example, placing you under the supervision of a probation officer or requiring you to do unpaid work in the community).

What is the role of the victim during the trial?

The victim is not a party to the proceedings against you, but will usually be called as a witness for the prosecution. When you are being sentenced, the prosecutor may bring to the Court’s attention the impact that the offence has had on the victim.

Related links

- Government website NI - “Going to Court”
- Youth Justice Agency - “Going to Court”
- Details of each individual courthouse in Northern Ireland
- A useful website for the families of those who are held in prison is NIACRO
- A useful website for general information on crime, justice and the law in Northern Ireland
- A guide to life in prison and helpful resources for prisoners
- Magistrates' Court (Northern Ireland) Order 1981
- Criminal Justice (Evidence) (Northern Ireland) Order 2004
- Criminal Procedure and Investigations Act 1996
- Criminal Evidence (Northern Ireland) Order 1999
- Judicature (Northern Ireland) Act 1978
- Criminal Justice (Children) (Northern Ireland) Order 1998
- Criminal Justice (Northern Ireland) Order 1996
- Criminal Justice (Northern Ireland) Order 2008

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4 - My rights after the trial

Can I appeal?

You have the right to appeal against your conviction and/or against the sentence. If you pleaded not guilty in the Magistrates’ Court you can appeal to the County Court against conviction and/or sentence.

If you pleaded guilty in the Magistrates’ Court you can appeal against sentence before the County Court, or if you are claiming that the District Judge misinterpreted the law, you can challenge the decision in the Court of Appeal.

If your trial took place in the Crown Court you can appeal to the Court of Appeal.

What are the time limits for appealing?

If you are appealing against conviction or sentence from a Magistrates' Court then you or your lawyer must make the necessary application to the Magistrates' Court within 14 days, starting on the date of the decision you are appealing.

If you are appealing against conviction from the Crown Court then you can appeal either with permission of the Court of Appeal or if permission is given by the Crown Court Judge within 28 days of your conviction. You must seek the permission of the Court of Appeal if you want to appeal against a sentence from the Crown Court 28 days from when sentenced was passed.

How do I appeal?

If you are appealing from the Magistrates' Court then a notice of appeal must be lodged with the court office within 14 days of the decision being challenged. If you are appealing from the Crown Court to the Court of Appeal then you must make the application stating the grounds for appeal to the Court of Appeal office within 28 days of conviction or sentence, whichever you are appealing. Your lawyer will explain these procedures in detail.

What are the grounds for appeal?

There are many grounds on which you can appeal. Examples of grounds for appealing against conviction:
the judge gave wrong instructions to the jury;
there was a mistake or irregularity in the trial procedure;
evidence was wrongly allowed, or disallowed, to be heard.
Grounds of appeal against sentence are, typically, that the sentence was wrong in principle or that the length of sentence was manifestly excessive.

What happens if I am in prison when I appeal?

Following conviction and sentencing in a Magistrates' Court your lawyer can apply for an appeal and ask the court to release you on bail pending appeal. It is not normal practice to release offenders from prison pending an appeal from the Crown Court and an application would have to be made to the Court of Appeal.

How long will it be before the appeal is heard?

There is no set time limit. If you are appealing from the Magistrates' Court the appeal may possibly be heard at the next sitting of the County Court after the expiration of seven days from the day on which the notice of appeal is given to the court office. An appeal to the Court of Appeal generally takes longer to get to hearing. Your lawyer will advise you on when your appeal is likely to be heard.

What happens at the appeal hearing?

If the appeal is against conviction in the Magistrates' Court the whole case will be reheard by a County Court judge. If the appeal is just against the sentence of the Magistrates' Court, a County Court judge will consider the matter afresh. The judge might reduce the sentence, confirm it or increase it. If you challenge the District Judge's interpretation of the law in the Court of Appeal and that Court decides the Judge was wrong the verdict will be overturned.
An appeal against a conviction in the Crown Court will be heard in the Court of Appeal. Your lawyer and the prosecutor will present arguments about the merits of your grounds of appeal. The Court can hear fresh evidence if it wishes to. Generally, however, you cannot call evidence that was available at the time of the trial which you decided not to use at trial. All appeals will be in public.

What happens if the appeal against conviction is successful?

If the appeal is successful, your conviction will no longer stand. The appeal court also has power to substitute a conviction for a less serious offence. In some circumstances the court may set aside the conviction but give the prosecutor permission to start a new trial against you.

What happens if the appeal against sentence is successful?

If the appeal is successful the court will substitute a new sentence which it considers appropriate.

Is there a right to appeal again to a higher/different court?

If your appeal was to the County Court to challenge the Magistrates' Court decision, you can make a further appeal purely on a point of law to the Court of Appeal in Northern Ireland. A subsequent appeal to the Supreme Court of the United Kingdom is also possible where there is a point of law of general public importance in the case. An appeal on that basis is also possible where your appeal was from the Crown Court and was heard by the Court of Appeal.

Are there any other ways for me to make an appeal?

If you have exhausted your avenues of appeal but think that you have been the victim of a miscarriage of justice, you can apply to the Criminal Cases Review Commission (CCRC) which can refer cases back to the Court of Appeal. In cases where there is an issue of whether your rights under the European Convention on Human Rights have been infringed, you can petition the Court at Strasbourg after you have exhausted your domestic remedies.

If I am convicted or acquitted, can I be tried again for the same crime?

If you have been convicted or acquitted of a crime after a trial in any part of the United Kingdom, you cannot generally be tried again in Northern Ireland for the same crime. An exception to this rule is that in rare circumstances a person can be retried for certain serious offences where new and compelling evidence has come to light.

I am from another Member State. Can I be sent back there after the trial?

If you are not a British Citizen and are convicted of an offence and sentenced to prison for 12 months or more or sentenced for certain serious offences, the Secretary of State will order deportation at the end of your sentence unless exceptional circumstances apply.
In any other case where prison is a possible sentence, if you are over 17 and are convicted, the judge may recommend in sentencing you that you should be deported when the sentence is served, whether you are sent to prison or not. The Secretary of State will make the final decision.
There is no opportunity for you to appeal within the immigration system against the recommendation; it is part of the criminal sentence and can only be appealed under the process for appealing a sentence as described above. The Secretary of State may also deport you, even if a court has not recommended it, if he thinks it is in the public interest.

Related links

Northern Ireland Court Service
Citizens Advice Bureau, Northern Ireland
Criminal Cases Review Commission
Supreme Court of the United Kingdom
Magistrates' Court (Northern Ireland) Order 1981
Criminal Appeal (Northern Ireland) Act 1980
County Courts (Northern Ireland) Order 1980
Criminal Appeal Act 1995
Human Rights Act 1998
Criminal Justice and Immigration Act 2008
Immigration Act 1971
UK Borders Act 2007

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5 - Road Traffic offences

How are parking etc. offences dealt with?

If you park where you should not (on double yellow lines or in other restricted places) you may receive a 'parking ticket'. The Department for Regional Development, through its Roads Service, is responsible for most parking restrictions. Traffic attendants are employed to enforce road traffic contraventions by issuing Penalty Charge Notices (PCNs). The Police Service of Northern Ireland can enforce more serious rules, by issuing Fixed Penalty Notices http://www.psni.police.uk/index/advice-and-legislation/roads_and_driving/index/advice-and-legislation/roads_and_driving/advice_penalty_notices/endorsable_fixed_penalty_faqs.htm(FPNs) through the criminal justice system.

PCNs (parking tickets) are usually issued by being stuck on the vehicle windscreen or handed to whoever appears to be in charge of the vehicle. They can also be issued by post. You usually have 28 days either to pay the charge or challenge the PCN. If you pay within 14 days the amount is reduced by 50%. Where a PCN has not been paid within 28 days, the Department may serve a Notice to Owner (NtO) which allows the Department to pursue the payment. You have 28 days from the day the NtO is served either to pay the PCN or lodge an appeal against the parking ticket. If you do neither, the fine may increase. If you still do not pay, the Department can take more formal civil proceedings to recover it.

Clamping

The Department can tow away or clamp a vehicle in certain circumstances. You should only be clamped 15 minutes after a PCN has been issued. If you believe your car was unfairly clamped, you can appeal, but you have first to pay the release fee and outstanding charges to release your car and then appeal later. Clamping charges are challenged using the same system as with PCNs. If the Department does not respond at all within 56 days of receiving your letter of appeal, it must cancel the PCN and refund the release fee you have paid.

In Northern Ireland a vehicle which is not licensed and is being used or keep on a public road may be clamped or removed. If the vehicle is kept off-road it must either be taxed or have a SORN (Statutory Off Road Notification) in force. A vehicle that is clamped and which remains unclaimed for more than 24 hours will be impounded and you will then be notified in writing (click here for more information).

Can I appeal? In what circumstances? Who to?

If you want to challenge a PCN you should not pay the charge and write to the Parking Enforcement Processing Unit setting out your reasons why you feel the PCN was incorrectly issued. If successful the PCN will be cancelled. If unsuccessful you will receive a Notice of Rejection of Representation. Following this you have a period of 28 days to either pay the fine or appeal further to the Traffic Penalty Tribunal which will give a written decision binding on both you and on the Roads Service. If your appeal is refused you then have 28 days to pay the fine.

FPN parking tickets are issued by police officers and are dealt with through the criminal justice system. The only official system of appeal against an FPN parking ticket is to opt to have your case heard in court and plead not guilty.

How are speeding offences etc. dealt with?

If you exceed the speed limit and are caught by the police or a safety camera, the police can do any of the following:

Give you a verbal warning;

Issue a Fixed Penalty Notice (FPN), with a fine of £60 and three penalty points;

Prosecute you for speeding. This will mean you will have to go to court, and could face a fine of up to £1,000 (£2,500 if you were speeding on the motorway), between three and six penalty points on your driving licence, and a possible driving disqualification. Further information is available here.

In some cases it may be possible for you to be offered a speed-awareness course, which you will have to pay for but which would avoid any penalty being imposed.

The police have the power to stop any driver and failing to stop is itself an offence. When you are stopped by the police, you may be asked to produce a driving licence, insurance and your vehicle registration document. If you do not have these with you, you have 7 days to produce them at a police station.

If you have committed a minor traffic offence, like not wearing a seatbelt or driving with a broken headlight, the police may issue you with a fine (a FPN). Non-endorsable offences (those which do not result in points on your licence) usually incur a fine of £30. Fines for endorsable offences like speeding are *usually* £60.

More serious offences such as driving without insurance can incur a higher fine. You have 21 days to pay the fine or request a hearing. Otherwise, in the case of a non-endorsable offence, the fine will increase and will be registered at your local court. In the case of an endorsable offence the matter will proceed to prosecution. You will be reported for prosecution if you fail to pay a penalty for an offence detected by an automatic camera within 28 days.

Driving under the influence of drink or drugs

Police can 'breathalyse' you (ask you for a breath test) if they suspect you have been drinking. You will be asked to give two valid samples of breath and the lower result is the one on which any prosecution will be based. If you are only just over the limit, you may give a blood test.

Police may also carry out roadside tests such as an impairment test or testing by means of a sweat or saliva to assess whether you're unfit to drive due to drug intake. If you fail a breath or drugs test, the police will take you to the police station where you will be charged with an offence and the evidence (the breath or the drug test) will be stored.

Failure to give a breath test or participate in a drug test is an offence. Drink and drug related driving offences will result in mandatory disqualification from driving.

Miscellaneous points

If you get 12 points on your licence within a 3 year period, you will usually lose your licence for at least 6 months;

The police have the power to seize a vehicle if it is being used in an anti-social manner (causing alarm, harassment or distress);

Police can seize vehicles if drivers do not have an appropriate licence or insurance;

Serious road offences (e.g. causing death by dangerous driving) may result in imprisonment.

Will these offences appear on my criminal record?

Any conviction in court results in a criminal record. The above infringements will only appear on your record if you were convicted in court.

Related links

Parking Restrictions and Enforcement

The road user and the law in Northern Ireland

Police Service of Northern Ireland – Roads and Driving

Traffic Management (Northern Ireland) Order 2005

Vehicle Excise and Registration Act 1994

Road Traffic (Northern Ireland) Order 1995

Road Traffic (Northern Ireland) Order 1981

Road Traffic Regulation (Northern Ireland) Order 1997

Road Traffic Offenders (Northern Ireland) Order 1996

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