
FIXED PENALTY (AMENDMENT OF SCHEDULE)(NO.2) ORDER 2013

The Administrator makes the following order in exercise of the powers in section 9(2) of the Fixed Penalty Ordinance 2010(a).

Short title and commencement

1. This Order may be cited as the Fixed Penalty (Amendment of Schedule) (No. 2) Order 2013 and comes into force on 1 July 2013.

Substitution of Schedule 1 to the Fixed Penalty Ordinance 2010

2. Schedule 1 to the Fixed Penalty Ordinance 2010 is repealed and substituted with the Schedule to this Order.

Revocations

3. (1) The following Orders are revoked—
- (a) the Fixed Penalty (Amendment of Schedule to Ordinance) Order 2012(b);
 - (b) the Fixed Penalty (Amendment of Schedule to Ordinance) (No. 2) Order 2012(c).
- (2) Article 4 of the Fixed Penalty (Amendment of Schedules) Order 2013(d) is revoked.

SCHEDULE

Article 2

**SCHEDULE TO BE SUBSTITUTED FOR SCHEDULE 1 TO THE FIXED PENALTY
ORDINANCE 2010**

“SCHEDULE 1

(Section 3)

Offences falling solely within the jurisdiction of the SBA Police

Part 1

Offences under the Motor Vehicles and Road Traffic Regulations 2013

Serial No.	Description of Offence	Fixed Penalty	Legislation	Provision
1.	Contraventions regarding registration plates.	€85	Motor Vehicles and Road Traffic Regulations 2013(e)	Regulation 10(2) and (9)
2.	Using a motor vehicle with tyres in a dangerous condition or insufficient tread depth.	€25	Motor Vehicles and Road Traffic Regulations 2013	Regulations 26(2) and 27

Serial No.	Description of Offence	Fixed Penalty	Legislation	Provision
3.	Use of a motor vehicle without a proper horn.	€25	Motor Vehicles and Road Traffic Regulations 2013	Regulations 26(2) and 29
4.	Using a motor vehicle not equipped with at least two rear view mirrors.	€25	Motor Vehicles and Road Traffic Regulations 2013	Regulations 26(2) and 30(1)
5.	Using a motor vehicle without the required lamps and lights.	€25	Motor Vehicles and Road Traffic Regulations 2013	Regulations 26(2) and 31
6.	Contraventions in respect of parking lights and placing of reflecting triangular danger signs.	€25	Motor Vehicles and Road Traffic Regulations 2013	Regulations 26(2) and 32
7.	Using a motor vehicle carrying a load that projects beyond the prescribed limits, is dangerous, or, where required, is without a cover, sufficient safety measures, or animal cage or box.	€25	Motor Vehicles and Road Traffic Regulations 2013	Regulations 26(2) and 37
8.	Using a motor vehicle without a silencer or, expansion chamber or other device used for reducing gas emissions and noise.	€25	Motor Vehicles and Road Traffic Regulations 2013	Regulations 26(2) and 38(1)
9.	Using a motor vehicle not equipped or adjusted so that no coloured opaque or otherwise visible smoke, vapour or exhaust gas is emitted, or which emits sparks, grit, cinders, ash or oily substance.	€25	Motor Vehicles and Road Traffic Regulations 2013	Regulations 26(2) and 38(4)
10.	Using a motor vehicle with an inscription on the windscreen.	€17	Motor Vehicles and Road Traffic Regulations 2013	Regulations 26(2) and 39(1)
11.	Using a motor vehicle with glass windows not fitted with non-splintering glass, or are in such a condition that the vision of the driver is obscured.	€25	Motor Vehicles and Road Traffic Regulations 2013	Regulations 26(2) and 39(2)
12.	Using a motor vehicle without an adequate number of windscreen wipers or functioning windscreen wipers.	€25	Motor Vehicles and Road Traffic Regulations 2013	Regulations 26(2) and 39(3)
13.	Using a motor vehicle without adequate guards or other means of catching mud or water thrown up by rotating wheels.	€25	Motor Vehicles and Road Traffic Regulations 2013	Regulations 26(2) and 40(8)
14.	Carrying a passenger in a lorry where such carriage is not permitted, or exceeding the maximum number of passengers permitted or carrying passengers other than on properly secured seats.	€25	Motor Vehicles and Road Traffic Regulations 2013	Regulations 26(2) and 45(4) to (6)
15.	Carrying a passenger in a bus not sitting on fixed seat.	€25	Motor Vehicles and Road Traffic Regulations 2013	Regulations 26(2) and 46(4)
16.	Failure to display the permitted number of passengers on a bus.	€25	Motor Vehicles and Road Traffic Regulations 2013	Regulations 26(2) and 46(5)

Serial No.	Description of Offence	Fixed Penalty	Legislation	Provision
17.	Carrying persons or goods in excess of the number or weight permitted on the motor vehicle licence.	€25	Motor Vehicles and Road Traffic Regulations 2013	Regulations 26(2) and 49
18.	Driving in an incorrect position.	€25	Motor Vehicles and Road Traffic Regulations 2013	Regulation 50(1)(a) and (14)
19.	Driver allowing passengers, goods, animals or other objects in such a position as to interfere with the driver, having more than two persons alongside the driver, or having any person on the wrong side of the driver.	€25	Motor Vehicles and Road Traffic Regulations 2013	Regulation 50(1)(b), (c) and (d) and (14)
20.	Causing or allowing a passenger to be carried in or on a motor vehicle other than on a fixed seat.	€25	Motor Vehicles and Road Traffic Regulations 2013	Regulation 50(1)(e) and (14)
21.	Driver extending hand outside the vehicle except where required to do so by Regulations.	€25	Motor Vehicles and Road Traffic Regulations 2013	Regulation 50(2)(a) and (14)
22.	Failure by driver to use electric indicators or hand signals when altering course or speed.	€25	Motor Vehicles and Road Traffic Regulations 2013	Regulation 50(2)(b) and (14)
23.	Disobeying directions by a police officer in uniform.	€25	Motor Vehicles and Road Traffic Regulations 2013	Regulation 50(2)(d) and (14)
24.	Contravention of traffic signs or notices.	€25	Motor Vehicles and Road Traffic Regulations 2013	Regulation 50(2)(e) and (14)
25.	Overtaking on the wrong side.	€25	Motor Vehicles and Road Traffic Regulations 2013	Regulation 50(3)(a) and (14)
26.	Failure by driver to slow down and give way to allow an overtaking vehicle to pass.	€25	Motor Vehicles and Road Traffic Regulations 2013	Regulation 50(3)(b) and (14)
27.	Failure by driver to slow down in order to allow safe passage to other vehicles or traffic or, where going downhill, to give way to a vehicle going uphill.	€25	Motor Vehicles and Road Traffic Regulations 2013	Regulation 50(4)(a) and (14)
28.	Driver of a lorry or a bus failing to stop in order to allow lighter motor vehicles to pass.	€25	Motor Vehicles and Road Traffic Regulations 2013	Regulation 50(4)(b) and (14)
29.	Entering onto a main road without slowing down, stopping or giving way.	€25	Motor Vehicles and Road Traffic Regulations 2013	Regulation 50(5)(b) and (14)
30.	Failure to give way to vehicles approaching from the right at roundabouts and at uncontrolled cross-roads.	€25	Motor Vehicles and Road Traffic Regulations 2013	Regulation 50(5)(c) and (14)
31.	Failure to give way when turning right to vehicles travelling straight on from the opposite direction.	€25	Motor Vehicles and Road Traffic Regulations 2013	Regulation 50(5)(d) and (14)
32.	Parking within prescribed distances from a corner, a traffic sign, traffic lights, a pedestrian crossing, a bus stop or a road marked with a yellow line along the edge of the carriageway.	€85	Motor Vehicles and Road Traffic Regulations 2013	Regulation 50(5)(f) and (14)

Serial No.	Description of Offence	Fixed Penalty	Legislation	Provision
33.	Failure by driver to stop and give way to pedestrian making use of a marked pedestrian crossing.	€85	Motor Vehicles and Road Traffic Regulations 2013	Regulation 50(5)(h) and (14)
34.	Contraventions concerning driving to the left and the use of lanes.	€25	Motor Vehicles and Road Traffic Regulations 2013	Regulation 50(6) and (14)
35.	Improper use of horn.	€25	Motor Vehicles and Road Traffic Regulations 2013	Regulation 50(7) and (14)
36.	Unlawfully carrying goods on the roof of a vehicle.	€25	Motor Vehicles and Road Traffic Regulations 2013	Regulation 50(8) and (14)
37.	Unlawful parking of a vehicle or parking facing the permitted direction of travel.	€85	Motor Vehicles and Road Traffic Regulations 2013	Regulation 50(9) and (14)
38.	Obstructing the free passage of any person, vehicle, horse or cattle.	€25	Motor Vehicles and Road Traffic Regulations 2013	Regulation 50(10)(a) and (14)
39.	Driving backwards in an unsafe or inconvenient manner.	€25	Motor Vehicles and Road Traffic Regulations 2013	Regulation 50(10)(b) and (14)
40.	Leaving a motor vehicle without taking precautions against it being started in the driver's absence.	€25	Motor Vehicles and Road Traffic Regulations 2013	Regulation 50(10)(c) and (14)
41.	Allowing a vehicle to cause unnecessary obstruction	€25	Motor Vehicles and Road Traffic Regulations 2013	Regulation 50(10)(d) and (14)
42.	Driver slowing down without good reason.	€25	Motor Vehicles and Road Traffic Regulations 2013	Regulation 50(10)(e) and (14)
43.	Failure to carry reflecting triangular danger signs.	€8	Motor Vehicles and Road Traffic Regulations 2013	Regulation 50(11) and (14)
44.	Towing a person riding a bicycle or motor cycle.	€25	Motor Vehicles and Road Traffic Regulations 2013	Regulation 50(12) and (14)
45.	Driver holding a hand-held telephone or other object not necessary for driving while the vehicle is in motion.	€85	Motor Vehicles and Road Traffic Regulations 2013	Regulation 50(13) and (14)
46.	Driver of a motor cycle carrying a passenger in front of the driver, a passenger under 12 years old or a passenger other than on a seat affixed to the frame for the purpose of carrying a passenger.	€25	Motor Vehicles and Road Traffic Regulations 2013	Regulation 51(1) and (4)
47.	Driver or passenger on a motor cycle not wearing a protective helmet.	€85	Motor Vehicles and Road Traffic Regulations 2013	Regulation 51(2) and (4)
48.	Passenger in a motor vehicle preventing or interfering with the normal operation of the vehicle.	€25	Motor Vehicles and Road Traffic Regulations 2013	Regulation 54(1)(a) and (2)
49.	Passenger in a motor vehicle carrying a bulky load likely to cause danger to other persons.	€25	Motor Vehicles and Road Traffic Regulations 2013	Regulation 54(1)(b) and (2)
50.	Passenger in a motor vehicle putting hands or other part of the body out of the vehicle.	€25	Motor Vehicles and Road Traffic Regulations 2013	Regulation 54(1)(c) and (2)

Serial No.	Description of Offence	Fixed Penalty	Legislation	Provision
51.	Passenger in a motor vehicle making signals or gestures likely to be taken as traffic signals.	€25	Motor Vehicles and Road Traffic Regulations 2013	Regulation 54(1)(d) and (2)
52.	Passenger in a motor vehicle standing in a vehicle not allowed to carry standing passengers.	€25	Motor Vehicles and Road Traffic Regulations 2013	Regulation 54(1)(e) and (2)
53.	Opening the door of a vehicle in a way that is unsafe or that obstructs other traffic.	€25	Motor Vehicles and Road Traffic Regulations 2013	Regulation 55(1)(a) and (2)
54.	Leaving the door of a vehicle open on the side of a vehicle available to moving traffic in excess of a reasonable time.	€25	Motor Vehicles and Road Traffic Regulations 2013	Regulation 55(1)(b) and (2)

Part 2

Offences under the Motor Vehicles and Road Traffic (Consolidation) Ordinance 2006

Serial No.	Description of Offence	Fixed Penalty	Legislation	Provision
1.	Speed limits – exceeding the maximum or not complying with the minimum speed limit by up to and including 30%.	€1 per kilometre for each km/hour up to and including 30% above or below the applicable speed limit	Motor Vehicles and Road Traffic (Consolidation) Ordinance 2006(f)	Sections 4(1), (4) and (9) and 4A(3)(a) and (4)
2.	Speed limits – exceeding the maximum or not complying with the minimum speed limit by between over 30% and up to and including 50%.	€2 per kilometre for each km/hour between over 30% and up to and including 50%, above or below the applicable speed limit	Motor Vehicles and Road Traffic (Consolidation) Ordinance 2006	Sections 4(1), (4) and (9) and 4A(3)(a) and (4)
3.	Speed limits – exceeding the maximum or not complying with the minimum speed limit by between over 50% and up to and including 75%.	€3 per kilometre for each km/hour between over 50% and up to and including 75%, above or below the applicable speed limit	Motor Vehicles and Road Traffic (Consolidation) Ordinance 2006	Sections 4(1), (4) and (9) and 4A(3)(a) and (4)

Serial No.	Description of Offence	Fixed Penalty	Legislation	Provision
4.	Pedestrian on a motorway.	€85	Motor Vehicles and Road Traffic (Consolidation) Ordinance 2006(g)	Section 13B(1)(a) and (5)
5.	Causing or permitting an animal or a cycle to proceed on the motorway.	€85	Motor Vehicles and Road Traffic (Consolidation) Ordinance 2006	Section 13B(1)(b) and (5)
6.	Using a motor vehicle that is unable to maintain a speed of 65 kilometres per hour on a motorway.	€85	Motor Vehicles and Road Traffic (Consolidation) Ordinance 2006	Section 13B(2), (4) and (5)
7.	Dangerous parking – motor vehicle left in a dangerous position.	€25	Motor Vehicles and Road Traffic (Consolidation) Ordinance 2006	Section 14

Part 3

Other road traffic related offences

Serial No.	Description of Offence	Fixed Penalty	Legislation	Provision
1.	Smoking in a public service motor vehicle.	€85	Health (Control of Smoking) Ordinance 2013(h)	Section 11(1)
2.	Smoking in a private motor vehicle with a passenger under 16.	€85	Health (Control of Smoking) Ordinance 2013	Section 12(1)
3.	Failure to erect a sign prohibiting smoking in a public service motor vehicle.	€85	Health (Control of Smoking) Ordinance 2013	Section 13 (offence relating to public service motor vehicle only)
4.	Driving a vehicle not fitted with seat belts. Failure to wear a seat belt. Failure of driver or person in charge of vehicle to ensure a passenger or child wears a seat belt or uses child restraint system.	€85	Motor Vehicles (Seat Belts and Restraint Systems) Ordinance 2007(i)	Sections 4(1), 5(1), (2) and (3), 6, 10(1), (2) and (3)
5.	Learner driver who is not supervised by a qualified driver.	€25	Motor Vehicles and Road Traffic (Driver Licensing) Regulations 2009(j)	Regulation 10(1)(b) and (6)
6.	Learner's Plate – Failure to display "E" plate.	€25	Motor Vehicles and Road Traffic (Driver Licensing) Regulations 2009	Regulation 10(1)(d) and (7)
7.	Learner driver of a vehicle carrying a passenger other than the qualified driver.	€25	Motor Vehicles and Road Traffic (Driver Licensing) Regulations 2009	Regulation 10(1)(e) and (8)
8.	Learner driver of a motor cycle or moped carrying a passenger other than a licensed driver.	€25	Motor Vehicles and Road Traffic (Driver Licensing) Regulations 2009	Regulation 10(4) and (8)
9.	Stopping or parking a motor vehicle in a prohibited parking zone.	€25	Motor Vehicles (Restriction on Parking) Regulations 1986(k)	Regulations 4 and 5(l)

Part 4

Offences under the Administration of Local Affairs (General) Bye-laws of the Community Council of Akrotiri 2002

and

Administration of Local Affairs (General) Bye-laws of the Community Council of Episkopi 2003

Serial No.	Description of Offence	Fixed Penalty	Legislation	Provision
1.	Using a bicycle without a bell in good working order.	€8	Administration of Local Affairs (General) Bye-laws of the Community Council of Akrotiri 2002(m) Administration of Local Affairs (General) Bye-laws of the Community Council of Episkopi 2003(n) (and those Bye-laws as applied to other overlapping Community Councils by Public Instruments 122/03 to 136/03 inclusive and public instrument 28/04).	Bye-laws 163(1)(a) and 172(1) Bye-laws 163(1)(a) and 172(1)
2.	Using a bicycle without brakes in good working order.	€8	Administration of Local Affairs (General) Bye-laws of the Community Council of Akrotiri 2002 Administration of Local Affairs (General) Bye-laws of the Community Council of Episkopi 2003 (and those Bye-laws as applied to other overlapping Community Councils by Public Instruments 122/03 to 136/03 inclusive and public instrument 28/04).	Bye-laws 163(1)(b) and 172(1) Bye-laws 163(1)(b) and 172(1)
3.	Using a bicycle between half an hour after sunset and half an hour before sunrise without a white light in front and a red light or red reflector at the back.	€8	Administration of Local Affairs (General) Bye-laws of the Community Council of Akrotiri 2002 Administration of Local Affairs (General) Bye-laws of the Community Council of Episkopi 2003 (and those Bye-laws as applied to other overlapping Community Councils by Public Instruments 122/03 to 136/03 inclusive and public instrument 28/04).	Bye-laws 163(1)(c) and 172(1) Bye-laws 163(1)(c) and 172(1)

Serial No.	Description of Offence	Fixed Penalty	Legislation	Provision
4.	Cyclist riding side by side with another vehicle or cyclist.	€8	Administration of Local Affairs (General) Bye-laws of the Community Council of Akrotiri 2002 Administration of Local Affairs (General) Bye-laws of the Community Council of Episkopi 2003 (and those Bye-laws as applied to other overlapping Community Councils by Public Instruments 122/03 to 136/03 inclusive and public instrument 28/04).	Bye-laws 163(4)(a) and 172(1) Bye-laws 163(4)(a) and 172(1)
5.	Riding or pushing a bicycle on a pavement.	€8	Administration of Local Affairs (General) Bye-laws of the Community Council of Akrotiri 2002 Administration of Local Affairs (General) Bye-laws of the Community Council of Episkopi 2003 (and those Bye-laws as applied to other overlapping Community Councils by Public Instruments 122/03 to 136/03 inclusive and public instrument 28/04).	Bye-laws 163(4)(d) and 172(1) Bye-laws 163(4)(d) and 172(1)
6.	Pedestrian crossing the street without using a pedestrian crossing where one is located up to 100 metres away. Pedestrian crossing the street without using a pedestrian crossing where one is located up to 300 feet away.	€20	Administration of Local Affairs (General) Bye-laws of the Community Council of Akrotiri 2002 Administration of Local Affairs (General) Bye-laws of the Community Council of Episkopi 2003 (and those Bye-laws as applied to other overlapping Community Councils by Public Instruments 122/03 to 136/03 inclusive and public instrument 28/04).	Bye-laws 164(b) and 172(1) Bye-laws 164(b) and 172(1)
7.	Pedestrian failing to obey traffic signs.	€20	Administration of Local Affairs (General) Bye-laws of the Community Council of Akrotiri 2002 Administration of Local Affairs (General) Bye-laws of the Community Council of Episkopi 2003 (and those Bye-laws as applied to other overlapping Community Councils by Public Instruments 122/03 to 136/03 inclusive and public instrument 28/04).	Bye-laws 164(d) and 172(1) Bye-laws 164(d) and 172(1)

Serial No.	Description of Offence	Fixed Penalty	Legislation	Provision
8.	Failure by driver to stop at a students' crossing or moving a vehicle forward at a students' crossing before authorised to do so.	€25	Administration of Local Affairs (General) Bye-laws of the Community Council of Akrotiri 2002 Administration of Local Affairs (General) Bye-laws of the Community Council of Episkopi 2003 (and those Bye-laws as applied to other overlapping Community Councils by Public Instruments 122/03 to 136/03 inclusive and public instrument 28/04).	Bye-laws 165(6) and 172(1) Bye-laws 165(6) and 172(1)
9.	Breach of one-way traffic signs by a non-motor vehicle.	€8	Administration of Local Affairs (General) Bye-laws of the Community Council of Akrotiri 2002 Administration of Local Affairs (General) Bye-laws of the Community Council of Episkopi 2003 (and those Bye-laws as applied to other overlapping Community Councils by Public Instruments 122/03 to 136/03 inclusive and public instrument 28/04).	Bye-laws 166(2) and 172(1) Bye-laws 166(2) and 172(1)
10.	Failure to comply with traffic signs when having charge or control of a hand-driven vehicle.	€8	Administration of Local Affairs (General) Bye-laws of the Community Council of Akrotiri 2002 Administration of Local Affairs (General) Bye-laws of the Community Council of Episkopi 2003 (and those Bye-laws as applied to other overlapping Community Councils by Public Instruments 122/03 to 136/03 inclusive and public instrument 28/04).	Bye-laws 167(h) and (i) and 172(1) Bye-laws 167(h) and (i) and 172(1)

Dated this 29th day of May 2013.

By the Administrator's Command,

J. S. Wright,

Chief Officer,

Sovereign Base Areas.

(SBA/AG/2/CR/263)

Notes

- (a) Ordinance 25/10.
- (b) P.I. 7/12.
- (c) P.I. 34/12.
- (d) P.I. 8/13.
- (e) P.I. 22/13.
- (f) Ordinance 5/06; section 4A was inserted by Ordinance 24/08.
- (g) Section 13B was inserted by Ordinance 13/07 and brought into force by virtue of P.I. 41/08.
- (h) Ordinance 6/13.
- (i) Ordinance 19/07.
- (j) P.I. 35/09; regulation 10 was substituted by P.I. 22/10 and amended by P.I. 2/13.
- (k) P.I. 15/86.
- (l) Regulation 5 was substituted by P.I. 6/12.
- (m) P.I. 83/02.
- (n) P.I. 116/03.

EXPLANATORY NOTE

(This note is not part of the Order)

1. This explanatory note relates to the Fixed Penalty (Amendment of Schedule) (No. 2) Order 2013 (the “Order”). It has been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Order. It does not form part of the Order.
2. This Order substitutes a new Schedule 1 to the Fixed Penalty Ordinance 2010 (the “principal Ordinance”). The principal Ordinance provides a power to dispose of specified offences by way of a fixed penalty. Offences specified in Schedule 1 are road traffic related and service of a penalty notice falls solely within the jurisdiction of the SBA Police. The offence is specified in the columns in the tables in the Schedule headed “legislation” and “provision”. The description of the offence in the 2nd column is a summary, and is not intended to limit the application of a fixed penalty.
3. The new Schedule 1 makes provision for some offences in the Motor Vehicle and Road Traffic Regulations 2013 (the “2013 Regulations”) to be disposed of by way of the issue of a fixed penalty notice, and also consolidates previous amendments to Schedule 1 to the principal Ordinance. The 2013 Regulations revoke and re-enact, with amendment, the Motor Vehicle and Road Traffic Regulations 1985 (the “1985 Regulations”). Equivalent offences under the 1985 Regulations could be disposed of by way of the issue of a fixed penalty notice. This Order makes consequential amendments to Schedule 1 to the principal Ordinance, cites provisions in the 2013 Regulations where an offence in the 1985 Regulations has been re-enacted, and omits offences which have been revoked. There is no change to the amount of a fixed penalty for each offence which has been re-enacted.
4. Offences under other legislation cited are re-enactments for the purpose of consolidation only.