

## **USING/PERMITTING OVERLOADED GOODS VEHICLE**

### **Road Traffic (NI) Order 1995**

57. - (1) A person who-

(a) contravenes a construction and use requirement as to any description of weight applicable to-

(i) a goods vehicle; or

(ii) a motor vehicle or trailer adapted to carry more than eight passengers; or

(b) uses on a road a vehicle which does not comply with such a requirement, or causes or permits a vehicle to be so used, is guilty of an offence.

### **Maximum Sentence:**

Road Traffic Offenders (NI) Order 1996, Schedule 1

*Summary Only: Level 5 fine (£5,000)*

### **Assessment of Offence**

*(Starting points and ranges based on 1<sup>st</sup> time offender convicted following contest)*

<b><u>Nature of Offence</u></b>	<b><u>Starting Point</u></b>	<b><u>Sentencing Range</u></b>
Offence committed by driver	£500*	£250 - £1,000*
Offence committed by owner company	£1,000*	£500 - £2,000*

\*Based on the load being less than 10% above permitted weight; where greater than 10% then the starting point and sentencing range may be increased accordingly.

<b><u>Examples of Possible Aggravating Factors of Offence</u></b>	<b><u>Examples of Possible Mitigating Factor of Offence</u></b>
N/A	N/A

### **Relevant Cases:**

NI Cases:

N/A

English Cases:

1. N/A

### **Notes:**

1. See further the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1989.

2. General power to disqualify from holding a driving licence under Article 91 of the Criminal Justice (NI) Order 2008.