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## STATUTORY INSTRUMENTS

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# 1981 No. 154

## Road Traffic (Northern Ireland) Order 1981

### PART VI

#### PROVISIONS RELATING TO APPLICABLE COMMUNITY RULES

##### Offences against applicable Community rules

**81.**—<sup>[F1]</sup>(1) Where, in the case of a driver of a motor vehicle, there is a contravention of any requirement of the applicable Community rules as to periods of driving, or distance driven, or periods on or off duty, then the offender, the offender's employer and any other person to whose orders the offender was subject shall be guilty of an offence under this Order.]

<sup>[F2]</sup>(1A) A person shall not be liable to be convicted under paragraph (1) if being charged as the offender's employer, or a person to whose orders the offender was subject, <sup>[F3]</sup>the person proves—

- (a) in respect of a contravention of a provision of the Community Drivers' Hours Regulation—
  - (i) that at the time of the contravention the person was complying with Article 10(1) (distance related payments etc.) and Article 10(2) (organisation of drivers' work etc.) of the Community Drivers' Hours Regulation; and
  - (ii) that the person took all reasonable steps to avoid the contravention; or
- (b) in respect of a contravention of a provision of the AETR—
  - (i) that at the time of the contravention the person was complying with Article 11(1) to (3) of the AETR (organisation of drivers' work, distance-related payments etc); and
  - (ii) that the person took all reasonable precautions to avoid the contravention.]

(1B) A person who—

- (a) is subject to the requirement imposed by Article 10(4) of the Community Drivers' Hours Regulation <sup>[F4]</sup>or Article 11(5) of the AETR] (undertakings etc. to ensure that contractually agreed transport time schedules respect <sup>[F5]</sup>that provision] ); and
- (b) fails to take all reasonable steps to comply with that requirement,

shall be guilty of an offence under this Order.]

<sup>[F6]</sup>(1C) If a driver who is subject to the orders of more than one transport undertaking fails, without reasonable excuse, to provide each of them with sufficient information to enable them to avoid a contravention of Chapter 2 of the Community Drivers' Hours Regulation, he shall be guilty of an offence under this Order.]

(2) Any person who contravenes any requirement as to books, records or documents of the applicable Community rules shall be guilty of an offence under this Order.

(3) Any person who makes or causes to be made any entry in a book, record or document kept for the purposes of the applicable Community rules which he knows to be false or, with intent to deceive, alters or causes to be altered any such entry shall be guilty of an offence under this Order.

**Changes to legislation:** Road Traffic (Northern Ireland) Order 1981, PART VI is up to date with all changes known to be in force on or before 05 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- F1** Art. 81(1) substituted (23.4.2009) by [Community Drivers' Hours and Recording Equipment \(Exemptions and Supplementary Provisions\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/91\)](#), **reg. 6(3)(a)**
- F2** Art. 81(1A)(1B) inserted (23.4.2009) by [Community Drivers' Hours and Recording Equipment \(Exemptions and Supplementary Provisions\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/91\)](#), **reg. 6(3)(b)**
- F3** Words in art. 81(1A) substituted (11.3.2019) by [The Drivers Hours and Tachographs \(Amendment\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/12\)](#), regs. 1(2), **4(2)**
- F4** Words in art. 81(1B)(a) inserted (11.3.2019) by [The Drivers Hours and Tachographs \(Amendment\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/12\)](#), regs. 1(2), **4(3)(a)**
- F5** Words in art. 81(1B)(a) substituted (11.3.2019) by [The Drivers Hours and Tachographs \(Amendment\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/12\)](#), regs. 1(2), **4(3)(b)**
- F6** Art. 81(1C) inserted (30.4.2010) by [Passenger and Goods Vehicles \(Recording Equipment\) \(Downloading and Retention of Data\) Regulations \(Northern Ireland\) 2010 \(S.R. 2010/23\)](#), **reg. 8(3)**

**Powers of inspection**

**82.**—(1) An inspector of vehicles or a constable may, on production if so required of his authority, require any person to produce, and permit him to inspect and copy any book, record or document—

- (a) which that person is required by the applicable Community rules to carry or have in his possession for the purpose of making in it any entry required by those rules or which is required under those rules to be carried on any vehicle of which that person is the driver;
- (b) which that person is required by the applicable Community rules to preserve;
- (c) which the inspector of vehicles or the constable, as the case may be, may reasonably require to inspect for the purpose of ascertaining whether the requirements of the applicable Community rules have been complied with.

(2) For the purpose of exercising his powers under paragraph (1) in respect of a document carried on, or by the driver of, a vehicle an inspector of vehicles or a constable, as the case may be, may detain the vehicle during such time as is required for the exercise of that power.

(3) Any person who—

- (a) fails to comply with any requirement under paragraph (1); or
- (b) obstructs an inspector of vehicles in the exercise of his powers under paragraph (2),

shall be guilty of an offence under this Order.

**Regulations for purposes of the applicable Community rules or other relevant Community provisions**

**F7** **83.** .....

- F7** Art. 83 omitted (31.12.2020) by virtue of [The Drivers Hours and Tachographs \(Amendment\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/596\)](#), regs. 1(3), **5**; 2020 c. 1, Sch. 5 para. 1(1)

**Changes to legislation:**

Road Traffic (Northern Ireland) Order 1981, PART VI is up to date with all changes known to be in force on or before 05 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

View outstanding changes

**Changes and effects yet to be applied to :**

- Instrument amended by [1994 c. 22 s. 63Sch.3 para 17](#)
- Instrument rev. in Pt. by [1994 c. 22 s. 65Sch.5 Pt II](#)

**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch. 1 Pt. 1 words inserted by [2016 c. 11 \(N.I.\) s. 18\(2\)](#)
- Sch. 7 para. 6 repealed by [2010 c. 2 \(N.I.\) Sch. 4](#) (The amendment could not be applied as the relevant affected text is not available on legislation.gov.)
- Sch. 7 para. 7 repealed by [2010 c. 2 \(N.I.\) Sch. 4](#) (The amendment could not be applied as the relevant affected text is not available on legislation.gov.)
- art. 5(2ZA)-(2ZD) inserted by [2016 c. 11 \(N.I.\) s. 16\(2\)\(a\)](#)
- art. 5(4A) inserted by [2016 c. 11 \(N.I.\) s. 16\(2\)\(b\)](#)
- art. 5A inserted by [2016 c. 11 \(N.I.\) s. 17\(2\)](#)
- art. 13(1)(c)(ia) words repealed by [S.I. 2007/916 \(N.I.\) Sch. 5 para. 4\(a\)\(ii\)Sch. 8 Pt. 5](#)
- art. 13B-13C inserted by [2016 c. 11 \(N.I.\) s. 17\(3\)](#)
- art. 15ZA inserted by [2016 c. 11 \(N.I.\) s. 18\(1\)\(c\)](#)
- art. 19D(1ZA)(1ZB) inserted by [2016 c. 11 \(N.I.\) s. 17\(4\)\(b\)](#)
- art. 19AB19AC substituted for art. 19A 19B by [2016 c. 11 \(N.I.\) s. 19\(3\)](#)
- art. 31A(2A)-(2D) inserted (temp.) by [S.I. 2019/648 reg. 5\(2\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Reg. 5 omitted immediately before IP completion day by virtue of S.I. 2020/1393, regs. 1(2), 2(4))
- art. 31A(2C) words inserted in earlier amending provision S.I. 2019/648, reg. 5(2)(a) by [S.I. 2020/818 Sch. 6 para. 39\(4\)\(a\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/648, reg 5, which inserts art. 31A(2C) omitted (31.12.2020 immediately before IP completion day) by virtue of S.I. 2020/1393, regs. 1(2), 2(4))
- art. 31A(3A)(3B) inserted (temp.) by [S.I. 2019/648 reg. 5\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Reg. 5 omitted immediately before IP completion day by virtue of S.I. 2020/1393, regs. 1(2), 2(4))
- art. 31A(3B) words inserted in earlier amending provision S.I. 2019/648, reg. 5(2)(b) by [S.I. 2020/818 Sch. 6 para. 39\(4\)\(b\)\(i\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/648, reg 5, which inserts art. 31A(3B) omitted (31.12.2020 immediately before IP completion day) by virtue of S.I. 2020/1393, regs. 1(2), 2(4))
- art. 31A(3B) words inserted in earlier amending provision S.I. 2019/648, reg. 5(2)(b) by [S.I. 2020/818 Sch. 6 para. 39\(4\)\(b\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/648, reg 5, which inserts art. 31A(3B) omitted (31.12.2020 immediately before IP completion day) by virtue of S.I. 2020/1393, regs. 1(2), 2(4))
- art. 174(2A)(da) inserted by [2016 c. 11 \(N.I.\) s. 17\(5\)\(a\)\(i\)](#)
- art. 174(2AB) inserted by [2016 c. 11 \(N.I.\) s. 17\(5\)\(b\)](#)
- art. 177(1)(ba) inserted by [2016 c. 11 \(N.I.\) s. 19\(4\)\(b\)](#)
- art. 177(1A) inserted by [2016 c. 11 \(N.I.\) s. 19\(4\)\(c\)](#)
- art. 177(3)(4) inserted by [2016 c. 11 \(N.I.\) s. 19\(4\)\(b\)](#)
- art.198 am. (prosp.) by [1997 c. 16 s.18Sch.3 paras.8\(2\)9](#)

– [art.198 am. \(prosp.\) by 1997 c. 16 s.18Sch.3 paras.8\(2\)9](#)