STATUTORY INSTRUMENTS

1993 No. 3160

The Roads (Northern Ireland) Order 1993

PART X

MISCELLANEOUS AND SUPPLEMENTARY

Miscellaneous

Duty to have regard to needs of disabled and blind in executing works, etc.

127.—(1) In executing works in a road or street which may impede the mobility of disabled persons or blind persons, the Department and any other person exercising a statutory power to execute such works shall have regard to the needs of such persons.

(2) The Department or other person mentioned in paragraph (1) shall have regard to the needs of disabled and blind persons when placing lamp-posts, bollards, traffic signs, apparatus or other permanent obstructions in a road or street.

(3) The Department shall have regard to the needs of disabled persons when considering the desirability of providing ramps at appropriate places between carriageways and footways.

(4) In executing in a road or street any such works as are mentioned in paragraph (1), the Department or other person mentioned in that paragraph shall have regard to the need of blind persons to have any openings, whether temporary or permanent, in the road or street properly protected.

(5) Section 18 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978(**1**) (power to define certain expressions for the purposes of provisions of that Act) shall have effect as if any reference in it to a provision of that Act included a reference to this Article.

(6) In this Article "street" means any street, lane, square, court, alley or passage to which the public has access, not being a road.

Consultation with district councils

128.—(1) The Department shall, where it appears necessary or desirable to do so and in any case at least once in each year, consult each district council with respect to proposals of the Department to exercise its functions under this Order in the district of that council.

(2) A district council may make representations to the Department about the exercise by the Department of its functions under this Order in the district of that council and the Department shall pay due regard to any such representations.

(**1**) 1978 c. 53

Obligation to give information as to identity

129. Where the driver of a vehicle is alleged to be guilty of an offence under any provision made by or under this Order, Article 177 of the Road Traffic Order shall apply in the same manner as it applies to offences under that Order.

Inquiries

130.—(1) The Department—

(a) shall cause to be held any such inquiry as is directed by this Order; or

(b) may cause an inquiry to be held in relation to the exercise of any of its functions under this Order.

(2) For the purposes of paragraph (1), Schedule 8 to the Health and Personal Social Services (Northern Ireland) Order 1972(**2**) (which applies in relation to inquiries by virtue of section 23 of the Interpretation Act (Northern Ireland) 1954(**3**)) shall have effect as if the words "or may, if the Department so determines, be wholly or partly defrayed by the Department" were added at the end of paragraph 6 of that Schedule.

Arbitration

131. Subject to the provisions of this Order, the Arbitration Act (Northern Ireland) 1937(**4**) shall, in relation to arbitrations under this Order, have effect as if the parties had entered into an arbitration agreement within the meaning of that Act providing for reference to a single arbitrator.

Prospective exercise of road traffic regulation powers

132. In Part XIV of the Road Traffic Order (miscellaneous and general provisions) after Article 211 there shall be inserted—

> "**Prospective exercise of powers**
>
> **211A.**—(1) Any power under this Order to make an order or give a direction may be exercised before the road to which it relates is open for public use, so as to take effect immediately on the road's becoming open for public use.
>
> (2) The procedure for making an order or giving a direction applies in such a case with such modifications as may be prescribed.".

(**2**) 1972 NI 14
(**3**) 1954 c. 33 (N.I.)
(**4**) 1937 c. 8 (N.I.)