
STATUTORY INSTRUMENTS

1997 No. 276

The Road Traffic Regulation (Northern Ireland) Order 1997

PART IX

MISCELLANEOUS

Disabled persons

Disabled persons' badges

55.—(1) Section 14 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978 (badges for display on motor vehicles used by disabled persons) shall be amended in accordance with paragraphs (2) to (7).

(2) For subsections (2) and (3) substitute the following subsection—

“(2) A badge may be issued to a disabled person of any prescribed description for one or more vehicles driven by him or used by him as a passenger.”.

(3) In subsection (4) the words from “and any badge” to the end shall cease to have effect.

(4) After subsection (4) there shall be inserted the following subsections—

“(4A) A badge issued under this section may be displayed only in such circumstances and in such manner as may be prescribed.

(4B) A person who drives a motor vehicle on a road (within the meaning of the Road Traffic Regulation (Northern Ireland) Order 1997) at a time when a badge of a form prescribed under this section is displayed on the vehicle is guilty of an offence unless the badge is issued under this section and displayed in accordance with regulations made under it.

(4C) A person guilty of an offence under subsection (4B) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.

(5) In subsection (5) the words from “and in the case” to the end shall cease to have effect.

(6) After subsection (7) there shall be inserted the following subsections—

“(7A) Where the prescribed conditions are met in the case of any person, then—

(a) if he applies to the Department for the issue of a badge T under this section, the Department may by notice refuse the application; and

(b) if he holds a badge issued under this section, the Department may by notice require him to return the badge P to the Department.

(7B) The conditions that may be prescribed for the purposes of subsection (7A) are conditions relating to the misuse of badges issued under this section.

(7C) A person whose application is refused under subsection (7A) or who is required to return his badge under that subsection may appeal to a court of summary jurisdiction which may confirm or reverse the decision of the Department; and if the court reverses it,

the Department shall issue a badge accordingly or, as the case may be, the requirement to return the badge shall cease to have effect.

(7D) A badge which is required to be returned to the Department by virtue of subsection (6) may not be displayed on any vehicle; and a badge which is required to be returned to the Department by virtue of a notice under subsection (7A) shall be returned within the prescribed time and may not be displayed on any vehicle after that time.

(7E) Except in prescribed circumstances, a person who, without reasonable excuse, fails within the prescribed time to return a badge which is required to be returned to the Department by virtue of subsection (6) or a notice under subsection (7A) is guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.

(7) For subsection (8) there shall be substituted the following subsections—

“(8) In this section “badge” includes duplicate badge and “motor vehicle” has the same meaning as in the Road Traffic (Northern Ireland) Order 1995.

(9) Section 24 of the Interpretation Act (Northern Ireland) 1954 shall apply in relation to a notice under subsection (7A) as if in subsection (1) of that section the word “registering” were omitted.”.

Wrongful use of badge

56.—(1) A person who at any time contravenes any provision of an order under this Order relating to the parking of motor vehicles is also guilty of an offence under this Article if at that time—

- (a) there was displayed on the motor vehicle in question a badge of a form prescribed under section 14(1) of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978; and
- (b) he was using the vehicle in circumstances where a disabled person’s concession would be available to a disabled person’s vehicle,

but he shall not be guilty of an offence under this Article if the badge was issued under that section and displayed in accordance with regulations made under it.

(2) In paragraph (1) “disabled person’s concession” means—

- (a) an exemption from an order under this Order given by reference to disabled persons’ vehicles; or
- (b) a provision made in any order under this Order for the use of a parking place by disabled persons’ vehicles.

Enforcement powers

57.—(1) Where there is displayed on a motor vehicle a badge which appears to a constable to be or purport to be of a form prescribed under section 14(1) of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978, he may require the driver of a motor vehicle or any person in it to produce the badge for inspection by the constable.

(2) A person who without reasonable excuse fails to produce the badge when asked for it is guilty of an offence.

Road safety

Provisions for safety of pedestrians, etc.

58.—(1) The Department may erect and maintain on or near any public road rails and other barriers for—

- (a) protecting pedestrians from traffic passing along the road, or
- (b) preventing pedestrians from crossing the road at particular places.

(2) For the purpose of rendering the crossing of any public road less dangerous to pedestrians or for the purpose of facilitating the movement of, or protecting from danger, traffic passing along any such road, the Department may—

- (a) erect, light and maintain raised islands or places of refuge on the road, or
- (b) construct, light, maintain and temporarily close subways under, or footbridges over, the road for the use of pedestrians.

(3) Where a road is maintainable by a person other than the Department, the Department may, if that person so consents, erect and maintain on or near that road rails and other barriers as mentioned in paragraph (1).

(4) The Department may alter, remove or close anything erected or constructed under this Article.

(5) The Department shall pay compensation in respect of any damage done in the exercise of its functions under paragraph (3).

(6) Any question of disputed compensation shall be referred to and determined by the Lands Tribunal.

Pedestrian crossings

59.—(1) The Department may establish crossings for pedestrians on public roads (in this Order referred to as “pedestrian crossings”), and may alter or remove any such crossings.

(2) The Department may execute any works (including the placing, erection, maintenance, alteration and removal of marks and traffic signs) required in connection with the establishment, alteration or removal of pedestrian crossings.

(3) The Department may by regulations make such provision in connection with pedestrian crossings as it considers necessary or expedient.

(4) Any person who contravenes any regulations under paragraph (3) shall be guilty of an offence.

(5) The Department may by regulations provide that this Article shall apply in relation to other classes of traffic as it applies to pedestrians.

(6) This Article is without prejudice to the powers of the Department under Article 8 to make provision in respect of crossings for any class of traffic (including pedestrians).

School crossings

60.—(1) Where between the hours of eight in the morning and half-past five in the afternoon a vehicle is approaching a place in a road where children on their way to or from school, or from one part of a school to another, are crossing or seeking to cross a road, a school crossing patrol wearing a uniform approved by the Department for the purposes of this Article may, by exhibiting a prescribed sign require the person driving or propelling the vehicle to stop it.

(2) Where a person has been required under paragraph (1) to stop a vehicle—

- (a) he shall cause the vehicle to stop before reaching the place where the children are crossing or seeking to cross and so as not to stop or impede their crossing; and the vehicle shall not

be put in motion again so as to reach the place in question so long as the sign continues to be exhibited.

(3) A person who contravenes sub-paragraph (a) of paragraph (2) or who causes a vehicle to be put in motion in contravention of sub-paragraph (b) of that paragraph shall be guilty of an offence.

(4) In this Article “prescribed sign” means a traffic sign prescribed or authorised by the Department for the purposes of this Article.

(5) For the purposes of this Article—

- (a) where it is proved that a sign was exhibited by a school crossing patrol, it shall be presumed, unless the contrary is proved, to be a prescribed sign and, if it was exhibited in circumstances in which it was required to be illuminated, to have been illuminated in the prescribed manner;
- (b) where it is proved that a person was wearing a uniform, the person shall be presumed, unless the contrary is proved, to be a person wearing a uniform approved by the Department for the purposes of this Article;
- (c) where it is proved that a prescribed sign was exhibited by a school crossing patrol at a place in a road where children were crossing or seeking to cross the road, it shall be presumed, unless the contrary is proved, that those children were on their way to or from school or from one part of a school to another.

Offences

Offences

61.—(1) Any person who is guilty of an offence under any provision of this Order shall, except as provided by paragraphs (2) to (4), be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) Any person who is guilty of an offence under Article 14(1), 19(1) or (3), 22 or 24 shall be liable on summary conviction—

- (a) to a fine not exceeding level 2 on the standard scale, except in the case described in sub-paragraph (b);
- (b) to a fine not exceeding level 3 on the standard scale in the case of an offence under Article 14(1) or 19(1) committed by a person in a street parking place reserved for disabled persons' vehicles or in an off-street parking place reserved for such vehicles where that person would not have been guilty of that offence if the motor vehicle in respect of which it was committed had been a disabled person's vehicle.

(3) Where a person is convicted of an offence under Article 14(1) and after conviction the contravention continues, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding one-tenth of the amount applicable under sub-paragraph (a) or (b) of paragraph (2) for each day on which the contravention continues.

(4) Any person who is guilty of an offence under Article 23 shall be liable—

- (a) on summary conviction to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment to a fine or to imprisonment for a term not exceeding two years or to both.

(5) The entries set out in Schedule 7 relating to offences under this Order shall be added at the end of Part I of Schedule 1 to the Road Traffic Offenders (Northern Ireland) Order 1996 and the entry relating to Article 50 of the Order of 1995 shall be inserted at the appropriate place in that Part in the entries relating to offences under the Order of 1995.

Other miscellaneous provisions

Permits authorising carriage of greater weights

62.—(1) The Department or a bridge authority may, as respects any road or bridge for the maintenance of which it is responsible issue (subject to such conditions, if any, as it thinks fit) a permit authorising any specified vehicle to carry on the road or bridge specified weights notwithstanding that when conveying such weights the vehicle does not comply with any regulations as to—

- (a) the laden weight of vehicles; or
- (b) the maximum weight which may be transmitted to the road or any part of it by vehicles.

(2) It shall not be an offence against the regulations referred to in paragraph (1), so long as the conditions, if any, attached to the permit are complied with, to use or to cause or permit the specified vehicle to be used for the carriage on that road or bridge of weights authorised by the permit.

(3) It shall be a condition of any permit issued under this Article that the permit shall be produced for examination at the request of a constable or any specified person.

(4) In this Article—

“bridge authority” means the authority or person responsible for the maintenance of a bridge;

“permit” means permit in writing;

“road” means a road to which the public has access;

“specified” means specified in the permit.

Repayment of charges

63.—(1) A provision in this Order conferring power to make provision for payment of a charge shall be treated as also conferring power to make provision about repayment of sums paid, or purported to be paid, in pursuance of provision made in exercise of that power.

(2) Without prejudice to the generality of the power conferred by paragraph (1), the provision which may be made by virtue of that paragraph includes provision—

- (a) that repayment shall be made only if a specified person is satisfied that specified conditions are met or in other specified circumstances;
- (b) that repayment shall be made in part only;
- (c) that, in the case of partial repayment, the amount shall be a specified sum or determined in a specified manner; and
- (d) for repayment of different amounts in different circumstances.

(3) In this Article “specified” means specified in the instrument exercising the power.

Power to install equipment for detection of traffic offences

64. After Article 65 of the Roads (Northern Ireland) Order 1993 (road humps and other traffic calming works) there shall be inserted the following Article—

“Equipment for detection of traffic offences

65A. The Department may install and maintain on or near a road structures and equipment for the detection of traffic offences.”.

Inquiries

65.—(1) Schedule 6 shall have effect in relation to any inquiry authorised by any provision of this Order.

(2) For the purposes of any such inquiry Schedule 8 to the Health and Personal Social Services (Northern Ireland) Order 1972 (which applies in relation to inquiries by virtue of section 23 of the 61 Interpretation Act (Northern Ireland) 1954) 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.

(3) Where an inquiry has been held under this Order, the Department may, after considering the report of the person who held the inquiry,—

- (a) determine to make the order or scheme; or
- (b) make the order or scheme either without modification or subject to such modifications as the Department thinks fit.

Power to prohibit or restrict use of vehicles on certain bridges

66.—(1) Where the bridge authority of any bridge carrying a road used by the public is satisfied that the bridge is insufficient to bear vehicles of which the weight exceeds certain limits, the authority may by a conspicuous notice in the prescribed form placed in a proper position at each end of the bridge prohibit the use of the bridge by any vehicle of which the weight exceeds a maximum weight specified in the notice and any such notice may specify different maximum weights in relation to a vehicle travelling at a speed less than a speed specified in the notice, and in relation to a vehicle travelling at that speed or any greater speed.

(2) The Department shall, in respect of any public road leading to a bridge, give to the bridge authority reasonable facilities for placing on the road any notice under paragraph (1) and, if the Department so requires, the bridge authority shall erect warning notices in the prescribed form at the principal junctions of roads leading to the bridge.

(3) Before placing a restriction or prohibition or varying or revoking a restriction or prohibition under this Article on the use of a bridge the bridge authority (where it is not the Department) shall give the Department 28 days' notice of its intention to do so with particulars of the restriction or prohibition or the variation or revocation of the restriction or prohibition (or such shorter notice as may be agreed with the Department).

(4) The Department shall cause a list to be kept of all restrictions or prohibitions which have been placed on the use of bridges under this Article and the list shall be open to inspection by any person.

(5) If, without the consent of the bridge authority, a vehicle is driven across a bridge in contravention of a notice placed in accordance with paragraph (1), any person who so drives the vehicle, or causes or permits it to be so driven, shall be liable to make good to the bridge authority any damage caused to the bridge and, in addition and without prejudice to such liability, is guilty of an offence.

(6) If on any prosecution or proceedings under paragraph (5) the court is satisfied that there are reasonable grounds for believing that the weight of the vehicle exceeded any maximum weight specified in the notice, it shall lie on the defendant to prove the contrary.

(7) Any person or body of persons aggrieved by a restriction or prohibition placed on the use of a bridge under this Article may at any time apply to the Department, where it is not the bridge authority, for an order modifying or removing the restriction or prohibition.

(8) On receiving an application under paragraph (7), the Department may cause the bridge to be inspected, and may require the bridge authority to give to the inspector such information as to its structure and condition, and such other facilities for his investigation of the circumstances, as the bridge authority may be able to give; and may, if it thinks proper, after considering the report of the

inspector and any representations made to it by the bridge authority, make an order modifying or removing the restriction or prohibition, or imposing different restrictions; and the bridge authority shall, within such time as may be specified in the order, cause notices to be erected in compliance with the order.

(9) The Department may at any time on an application made to it by the bridge authority, or without such an application, vary or revoke any order made by it under paragraph (8), if it is satisfied that it is proper so to do.

(10) Where the Department is the bridge authority, any person or body of persons aggrieved by a restriction or prohibition placed on the use of a bridge under this Article may at any time apply to the Department for the modification or removal of the restriction or prohibition and the Department after considering the application may, if it thinks fit, modify or remove the restriction or prohibition.

(11) In this Article—

“bridge authority” means the authority or person responsible for the maintenance of a bridge;

“placed in a proper position” means placed in such a position either on or near the bridge, or on or near the road leading to the bridge, as to be visible at a reasonable distance from the bridge to the drivers of vehicles approaching it;

“weight” means any prescribed description of weight.

(12) Regulations under paragraph (11) may provide that Article 20 of the Road Traffic Offenders (Northern Ireland) Order 1996 shall have effect in relation to any proceedings for an offence under this Article as it has effect in relation to proceedings for an offence under Article 54, 56, 57 or 58 of the Order of 1995.

(13) The reference in paragraph (12) to Article 20 of the Road Traffic Offenders (Northern Ireland) Order 1996 includes a reference to Article 186 of the Order of 1981.

Prospective exercise of powers

67.—(1) Any power under this Order to make an order or give a direction relating to a road may be exercised before the road 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.

Hovercraft

68.—(1) For the purposes of this Order and the Road Traffic Offenders (Northern Ireland) Order 1996, a hovercraft (in this Article referred to as a hover vehicle)—

- (a) is a motor vehicle, whether or not it is intended or adapted for use on roads; but
- (b) apart from that is to be treated, subject to paragraph (2), as not being a vehicle of any of the classes defined in Article 3 of the Order of 1995.

(2) The Department may by regulations provide—

- (a) that any provision of this Order which would otherwise apply to hover vehicles shall not apply to them or shall apply to them subject to such modifications as may be specified in the regulations; or
- (b) that any such provision which would not otherwise apply to hover vehicles shall apply to them subject to such modifications (if any) as may be specified in the regulations.

Trolley vehicles

69. Articles 7, 39 and 43, together with so much of the other provisions of this Order as relates to those provisions shall, without prejudice to Article 8 of the Order of 1995, apply in relation to trolley vehicles and the drivers of trolley vehicles as they apply in relation to heavy motor cars and the drivers of heavy motor cars.

The Crown

70.—(1) Subject to paragraph (2), the provisions of this Order apply to vehicles and persons in the public service of the Crown.

(2) The Department may make regulations exempting from the provisions of this Order, or of any regulation or order made under this Order, vehicles and persons in the public service of the Crown.

Application of Order in relation to harbour commissioners

71.—(1) Except to the extent provided by this Article and Article 72 the provisions of this Order shall not have effect in relation to the Belfast Harbour Commissioners or other harbour commissioners having in relation to their harbour area powers similar to those of the Belfast Harbour Commissioners for restricting access to, and regulating motor traffic on, roads, and no road vested in, or under the control of, any such harbour commissioners shall be deemed for the purposes of this Order to be a road to which the public has access.

(2) A road vested in or under the control of the Belfast Harbour Commissioners or any such other harbour commissioners shall be deemed for the purposes of the following provisions of this Order to be a road to which this Order applies—

- (a) Article 43; and
- (b) Part VIII (except Articles 49 and 52).

(3) For the purpose of those provisions as applied by this Article to a road in the Belfast Harbour Estate a member of the Belfast Harbour Police shall have the same powers as a member of the Royal Ulster Constabulary has in relation to other roads.

Application of speed limits to Belfast Harbour Estate

72.—(1) Where the Belfast Harbour Commissioners resolve that any length of road within their jurisdiction under or by virtue of the Belfast Harbour Acts 1847 to 1950 should be a restricted road within the meaning of this Order, the Department may, subject to the provisions of this Article and to such conditions as may be specified in the order, make an order under Article 37(3) deeming that road to be such a restricted road and Articles 36 and 43 shall have effect accordingly in relation to that road.

(2) Where such an order is made, Article 41 shall apply to the Belfast Harbour Commissioners as it applies to the Department.

(3) Nothing in any such order shall prejudice or affect any power of the Belfast Harbour Commissioners under the Belfast Harbour Acts 1847 to 1950 to make and enforce bye-laws.

Transitional provisions

73.—(1) The Department may by order make such transitional provision as appears to it necessary or expedient for the purposes of this Order.

(2) Any bye-laws and regulations made under section 19(1) and (4) of the Road Traffic Act (Northern Ireland) 1970, and any provisions made by or under any local or private Act empowering

the Department to regulate the waiting of any vehicle on any road, shall, if in force immediately before the commencement of this paragraph, have effect as if made under Article 4.

(3) Nothing in this Article or in any order made under it shall prejudice the operation of the Interpretation Act (Northern Ireland) 1954.

Regulations and orders

74.—(1) The Department may make regulations prescribing anything which is to be prescribed and providing for any matter in regard to which regulations may be made under the provisions of this Order.

(2) Subject to paragraph (3), regulations under this Order and orders under Article 40(6) or 73 shall be subject to negative resolution.

(3) Regulations under Article 39 or regulations which contain any provision made under Article 30(2) shall be subject to affirmative resolution.

(4) Orders under Article 36(3)(b) or 44 shall be subject to affirmative resolution.

(5) In Schedule 3 to the Statutory Rules (Northern Ireland) Order 1979 (statutory rules exempted from requirement as to printing and sale), after paragraph 7 there shall be inserted the following paragraph—

“**7A.** Orders under Article 4, 10, 13, 15, 36(3)(a), 37, 38, 40(2), (3) or (7) or 66 of the Road Traffic Regulation (Northern Ireland) Order 1997”.

Amendments and repeals

75.—(1) The statutory provisions mentioned in Schedule 8 shall have effect subject to the minor and consequential amendments there specified.

(2) The statutory provisions mentioned in Schedule 9 are hereby repealed to the extent specified in the third column of that Schedule.