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STATUTORY INSTRUMENTS

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1978 No. 1051 (N.I. 21)

NORTHERN IRELAND

**The Roads and Road Traffic  
(Northern Ireland) Order 1978**

*Laid before Parliament in draft*

*Made*

25th July 1978

*Coming into operation in accordance with Article 1 (2)*

ARRANGEMENT OF ORDER

PART I

INTRODUCTORY

Article

1. Title and commencement.
2. Interpretation.

PART II

ROADS

3. Control of builders' skips.
4. Removal of builders' skips.
5. Interpretation of Part II.

PART III

ROAD TRAFFIC

6. Amendments relating to licensing of drivers of vehicles.
7. Fitting and sale of defective or unsuitable vehicle parts.
8. Amendments relating to heavy goods vehicle drivers' licences.
9. Foreign vehicles.
10. Deposits and securities in lieu of third party insurance.
11. Reckless driving.
12. Traffic surveys.
13. Variation of penalties for certain offences.
14. Miscellaneous amendments of the principal Act.
15. Validation of orders transferring functions relating to the licensing of drivers.
16. Repeals.

## SCHEDULES:

Schedule 1—Variation of penalties for certain offences under the principal Act.

Schedule 2—Miscellaneous amendments of the principal Act.

Schedule 3—Repeals.

At the Court at Buckingham Palace, the 25th day of July 1978

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974 (a) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

### PART I

#### INTRODUCTORY

##### *Title and commencement*

1.—(1) This Order may be cited as the Roads and Road Traffic (Northern Ireland) Order 1978.

(2) This Order, except Articles 6 and 10 (2), shall come into operation on the expiration of one month from the day on which it is made and Articles 6 and 10 (2) shall come into operation on such day as the Head of the Department may by order appoint.

##### *Interpretation*

2.—(1) The Interpretation Act (Northern Ireland) 1954 (b) shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“the Department” means the Department of the Environment;

“the principal Act” means the Road Traffic Act (Northern Ireland) 1970 (c).

### PART II

#### ROADS

##### *Control of builders' skips*

3.—(1) Where a builder's skip is deposited on a road, the owner of the skip shall secure—

(a) that the skip is properly lighted during the hours of darkness (that is to say, during the time between half an hour after sunset and half an hour before sunrise);

(b) that the skip is clearly and indelibly marked with the owner's name and telephone number or address;

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(a) 1974 c. 28.

(b) 1954 c. 33 (N.I.).

(c) 1970 c. 2 (N.I.).

(c) that the skip is removed as soon as practicable after it has been filled or emptied as the case may be; and

(d) that each condition specified in regulations made under paragraph (2) is complied with;

and if he fails to do so, he shall, subject to paragraph (5), be liable on summary conviction to a fine not exceeding £100.

(2) The Department may make regulations specifying conditions subject to which a skip may be deposited on a road and, in particular, conditions relating to—

(a) the siting of the skip,

(b) its dimensions,

(c) the manner in which it is to be coated with paint or other material for the purpose of making it immediately visible to oncoming traffic,

(d) the care and disposal of its contents,

(e) the manner in which it is to be lighted or guarded,

(f) its removal.

(3) The owner of a skip who on any road causes or permits it to be deposited in such a position as to cause or to be likely to cause any obstruction or danger shall be liable on summary conviction to a fine not exceeding £100.

(4) Where the commission by any person of an offence under paragraph (1) or under paragraph (3) is due to the act or default of some other person, that other person may be charged with and convicted of the offence by virtue of this paragraph whether or not proceedings are taken against the first-mentioned person.

(5) In any proceedings for an offence under paragraph (1) or under paragraph (3) it shall, subject to paragraph (6), be a defence for the person charged to prove that the commission of the offence was due to the act or default of another person and that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence by himself or any person under his control.

(6) A person charged with an offence under paragraph (1) or under paragraph (3) shall not, without leave of the court, be entitled to rely on the defence provided by paragraph (5) unless, within a period ending 7 days before the hearing, he has served on the complainant a notice in writing giving such information identifying or assisting in the identification of that other person as was then in his possession.

(7) Regulations made under paragraph (2) shall be subject to negative resolution.

#### *Removal of builders' skips*

4.—(1) Where a builder's skip has been deposited on a road the Department or a constable in uniform may require the owner of the skip to remove or reposition it or cause it to be removed or repositioned.

(2) A person required to remove or reposition, or cause to be removed or repositioned, a skip under a requirement made by virtue of paragraph (1) shall comply with the requirement as soon as practicable, and if he fails to do so he shall be liable on summary conviction to a fine not exceeding £50.

(3) The Department or a constable in uniform may remove or reposition a skip or cause it to be removed or repositioned.

(4) Where a skip has been removed under paragraph (3), the Department or, as the case may be, a police officer shall, where practicable, notify the owner of its removal, but if the owner cannot be traced, or if after a reasonable period of time after being so notified he has not recovered the skip, the Department or a police officer may dispose of the skip and its contents.

(5) Any expenses reasonably incurred by the Department or a police officer in the removal or repositioning of a skip under paragraph (3) or the disposal of a skip under paragraph (4) may be recovered from the owner of the skip summarily as a civil debt.

(6) Any proceeds of such a disposal as is mentioned in paragraph (4) shall be used in the first place to meet the expenses reasonably incurred in the removal and disposal of the skip and its contents and thereafter any surplus shall be given to the person entitled thereto if he can be traced and, if not, may be retained by the Department or a police officer as the case may be; and any surplus so retained by a police officer shall be applied in the same manner as is provided for with respect to fines by section 20 of the Administration of Justice Act (Northern Ireland) 1954 (a).

(7) References in this Article to expenses incurred in the removal of a skip shall include references to expenses incurred in storing the skip until it is recovered by the owner or, as the case may be, disposed of.

### *Interpretation of Part II*

#### **5. In this Part—**

“builder’s skip” means a container designed to be carried on a vehicle and to be placed on a road or other land for the storage of builders’ materials, or for the removal and disposal of rubble, waste, household and other rubbish or earth;

“constable” means a member of the Royal Ulster Constabulary or the Royal Ulster Constabulary Reserve;

“owner”, in relation to a builder’s skip which is the subject of a hiring agreement, being an agreement for a hiring of not less than one month, or a hire purchase agreement, means the person in possession of the skip under that agreement;

“police officer” means a member of the Royal Ulster Constabulary not below the rank of Inspector;

“road” has the same meaning as in section 42 (1) of the Roads Act (Northern Ireland) 1948 (b).

## **PART III**

### **ROAD TRAFFIC**

#### *Amendments relating to licensing of drivers of vehicles*

6.—(1) In section 4 of the principal Act (physical fitness of applicants for licences)—

(a) in subsection (2) (b) after the words “test, and”, where they first occur, there shall be inserted the words “subject to subsection (2A)”;

(b) in subsection (2) (c) after the word “test”, where it first occurs there shall be inserted the words “subject to subsection (2A)”;

(c) after subsection (2) there shall be inserted the following subsections—

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(a) 1954 c. 9 (N.I.)

(b) 1948 c. 28 (N.I.).

“(2A) If it appears to the Department that an applicant may be suffering from any relevant disease or physical disability then, before permitting or requiring the applicant to be subjected to the test or to a further test, the Department may require the applicant, as soon as practicable, to submit himself for examination by such medical practitioner or practitioners as may be nominated by the Department.

(2B) The Department shall defray any fees or other reasonable expenses of a medical practitioner in connection with any examination which a person is required to undergo under subsection (2A).”.

(2) After section 4 of the principal Act there shall be inserted the following section—

“Provision of information, etc. relating to diseases and disabilities.

4A.—(1) If at any time during the period for which his licence remains in force, a licence holder becomes aware—

(a) that he is suffering from a relevant disease or physical disability which he has not previously disclosed to the Department, or

(b) that a relevant disease or physical disability from which he has at any time suffered (and which has been previously so disclosed) has become more acute since the licence was granted,

then, unless the disease or physical disability is one from which the licence holder has not previously suffered and he has reasonable grounds for believing that the duration of the disease or physical disability will not extend beyond the period of three months beginning with the date on which he first becomes aware that he suffers from it, the licence holder shall forthwith notify the Department in writing of the nature and extent of his disease or physical disability.

(2) A person who fails to notify the Department in accordance with subsection (1) shall be guilty of an offence under this Act.”.

(3) In this section “relevant disease or physical disability” has the same meaning as in section 4 (3).”.

(3) In section 9 of the principal Act (driving licences) for subsection (3) there shall be substituted the following subsection—

“(3) A driving licence shall, unless revoked or surrendered, remain in force—

(a) for a period of 10 years;

(b) where the applicant is aged over 60 years, for a period ending on the seventieth anniversary of the applicant’s birth or for a period of 3 years, whichever is the longer; or

(c) if the Department so determines in the case of a driving licence granted to a person appearing to be suffering from a relevant disease or physical disability within the meaning of section 4 for a period of not more than 3 years and not less than 1 year as the Department may determine;

and any such period shall begin with the date on which the licence is expressed to come into force.”.

(4) In Schedule 3 to the principal Act (table of offences, penalties, etc.) the following entry shall be inserted at the appropriate place—

- “4A.—(2) Failure of licence holder to notify Department of relevant disease or physical disability. Summary A fine of £100.”.**

*Fitting and sale of defective or unsuitable vehicle parts*

7.—(1) After section 28 of the principal Act (prohibition of sale, etc. of motor vehicles in condition not complying with regulations) there shall be inserted the following section—

“Fitting and sale of defective or unsuitable vehicle parts.

**28A.—(1) If any person—**

(a) fits a vehicle part to a vehicle, or

(b) causes or permits a vehicle part to be fitted to a vehicle,

in such circumstances that, by reason of that part being fitted to the vehicle, the use of the vehicle on a road would constitute a contravention of any of the construction and use requirements, he shall be guilty of an offence under this Act.

(2) A person shall not be convicted of an offence under subsection (1) if he proves—

(a) that the vehicle to which the part was fitted was to be exported from the United Kingdom;

(b) that he had reasonable cause to believe that that vehicle would not be used on a road in the United Kingdom or would not be so used until it had been put into a condition in which its use would not constitute a contravention of any of the construction and use requirements.

(3) If any person who—

(a) sells or supplies, or offers to sell or supply a vehicle part, or

(b) causes or permits a vehicle part to be sold, supplied or offered for sale or supply,

has reasonable cause to believe that the part is to be fitted to a motor vehicle or to a vehicle of a particular class or to a particular vehicle, he shall be guilty of an offence under this Act if that part could not be fitted to a motor vehicle or, as the case may require, to a vehicle of that class or of a class to which the particular vehicle belongs, except in such circumstances as are mentioned in subsection (1).

(4) A person shall not be convicted of an offence under subsection (3) in respect of the sale, supply or offer of a vehicle part if he proves—

(a) that the part was sold, supplied or offered, as the case may be, for export from the United Kingdom; or

(b) that he had reasonable cause to believe that it would not be fitted to a vehicle used on a road in the United Kingdom or would not be so fitted until it had been put into such a condition that it could be fitted otherwise than in such circumstances as are mentioned in subsection (1).

(5) An authorised officer may at any reasonable hour enter premises where, in the course of a business, vehicle parts are fitted

to vehicles or are sold, supplied or exposed for sale and test and inspect any vehicle or vehicle part found on those premises for the purpose of ascertaining whether—

- (a) a vehicle part has been fitted to the vehicle in such circumstances as are mentioned in subsection (1); or
- (b) the vehicle part could not be sold or supplied for fitting to a vehicle used on roads in the United Kingdom without the commission of an offence under subsection (3);

and for the purpose of testing a motor vehicle and any trailer drawn by it the authorised officer may drive it and for the purpose of testing any trailer may draw it with a motor vehicle.

(6) Any person who obstructs an authorised officer acting under subsection (5) shall be guilty of an offence under this Act.

(7) In this section “authorised officer” means a member of the Royal Ulster Constabulary, or an officer of the Department who is authorised by the Department for the purposes of this section.

(8) Nothing in this section shall affect the validity of a contract or of any rights arising under a contract.”.

(2) In Schedule 3 to the principal Act after the entry relating to section 28 there shall be inserted the following entries—

“28A.	(1) Fitting of defective or unsuitable vehicle parts.	Summary	A fine of £200.
28A.	(3) Selling defective or unsuitable vehicle parts.	Summary	A fine of £200.
28A.	(6) Obstructing officer testing vehicles to ascertain whether defective or unsuitable part has been fitted, etc.	Summary	A fine of £100.”.

*Amendments relating to heavy goods vehicle drivers’ licences*

8.—(1) In section 67 of the principal Act (applications for, and grant of, heavy goods vehicle drivers’ licences) after subsection (3) there shall be inserted the following subsections—

“(3A) Without prejudice to subsection (3), if there come into existence, in relation to the holder of a heavy goods vehicle driver’s licence who is under the age of 21 years, such circumstances as may be prescribed relating to his conduct as a driver of a motor vehicle, the Department shall revoke the licence.

(3B) Where in pursuance of subsection (3A) the Department is required to revoke the heavy goods vehicle driver’s licence of a person under the age of 21 years, that person shall be disqualified for holding or obtaining such a licence until he attains the age of 21 years.

(3C) If, while the holder of a heavy goods vehicle driver’s licence is disqualified under subsection (3B), the circumstances prescribed for the purposes of subsection (3A) cease to exist in his case, then, on an application made to the Department in that behalf, the Department shall remove the disqualification, but so long as the disqualification continues in force a heavy goods vehicle driver’s licence shall not be granted to him and any such licence obtained by him shall be of no effect.”.

(2) In section 70 of the principal Act (conditions of issue, revocation and suspension of heavy goods vehicle drivers' licences etc.)—

(a) in subsection (1) after the words "section 68" there shall be inserted the words "or a heavy goods vehicle driver's licence granted to an applicant who is under the age of 21 years on the date of the application"; and

(b) after subsection (3) there shall be inserted the following subsection—

"(4) It shall be an offence under this Act for a person to cause or permit another person who is under the age of 21 years to drive a heavy goods vehicle of any class in contravention of any prescribed conditions subject to which that other person's licence is issued."

(3) In Schedule 3 to the principal Act the following entry shall be inserted at the appropriate place—

"70 (4)	Causing or permitting a person under 21 years to drive heavy goods vehicle in contravention of conditions of heavy goods vehicle driver's licence.	Summary	A fine of £100."
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#### *Foreign vehicles*

9.—(1) The following Part shall be inserted after Part IV of the principal Act:—

### "PART IVA

#### FOREIGN VEHICLES

Power in certain cases to prohibit driving of foreign vehicles.

74D.—(1) The provisions of this section shall have effect with respect to any foreign goods vehicle or foreign public service vehicle where an authorised officer exercises, in relation to the vehicle or its driver, any functions under a statutory provision specified in the first column of Schedule 1A.

(2) If in any such case as is mentioned in subsection (1)—

(a) the driver obstructs the authorised officer in the exercise of his functions under the statutory provision in question, or refuses, neglects or otherwise fails to comply with any requirement made by the authorised officer under that provision; or

(b) it appears to the authorised officer that, in relation to the vehicle or its driver, there has been a contravention of any of the statutory provisions specified in the first column of Schedule 1B, or that there will be such a contravention if the vehicle is driven on a road;

the authorised officer may prohibit the driving of the vehicle on a road, either absolutely or for a specified purpose, and either for a specified period or without any limitation of time.

(3) Where an authorised officer prohibits the driving of a vehicle under this section, he may also direct the driver to remove the vehicle (and, if it is a motor vehicle drawing a trailer, also to remove the trailer) to such place and subject to such conditions as are specified in the direction; and the prohibition shall not apply to the removal of the vehicle in accordance with that direction.



(4) Where a prohibition is imposed under subsection (2) the authorised officer shall forthwith give notice in writing of the prohibition to the driver of the vehicle, specifying the circumstances (as mentioned in paragraph (a) or (b) of that subsection) in consequence of which the prohibition is imposed, and stating—

(a) whether the prohibition is on all driving of the vehicle or only on driving it for a specified purpose (and, if the latter, specifying the purpose), and

(b) whether it is imposed only for a specified period (and, if so, specifying the period) or without limitation of time;

and any direction under subsection (3) may be given either in that notice or in a separate notice in writing given to the driver of the vehicle.

Provisions  
supple-  
mentary to  
s. 74D.

74E.—(1) A prohibition under section 74D shall come into force as soon as notice of it has been given in accordance with subsection (4) of that section, and shall continue in force until it is removed under the following provisions of this section (or, in the case of a prohibition imposed only for a specified period, shall continue in force until either it is removed under this section or that period expires, whichever first occurs).

(2) A prohibition under subsection (2) of section 74D may be removed by any authorised officer if he is satisfied that appropriate action has been taken to remove or remedy the circumstances (as mentioned in paragraph (a) or (b) of that subsection) in consequence of which the prohibition was imposed; and on doing so the authorised officer shall forthwith give notice in writing of the removal of the prohibition to the driver of the vehicle.

(3) In the exercise of his functions under section 74D or this section an authorised officer, other than a constable, shall act in accordance with any general directions given by the Department.

Enforce-  
ment  
provisions.

74F.—(1) Any person who—

(a) drives a vehicle on a road in contravention of a prohibition imposed under section 74D;

(b) causes or permits a vehicle to be driven on a road in contravention of such a prohibition; or

(c) refuses, neglects or otherwise fails to comply within a reasonable time with a direction given under subsection (3) of that section,

shall be guilty of an offence under this Act.

(2) A constable in uniform may arrest without warrant any person whom he has reasonable cause to suspect of having committed an offence under subsection (1).

(3) Where a constable in uniform has reasonable cause to suspect the driver of a vehicle of having committed an offence under subsection (1), the constable may detain the vehicle, and for that purpose may give a direction, specifying an appropriate person and directing the vehicle to be removed by that person to such place and subject to such conditions as are specified in the direction; and the prohibition shall not apply to the removal of the vehicle in accordance with that direction.

- (4) Where under subsection (3) a constable—  
(a) detains a motor vehicle drawing a trailer; or  
(b) detains a trailer drawn by a motor vehicle;

then, for the purpose of securing the removal of the trailer, he may also (in a case falling within paragraph (a)) detain the trailer or (in a case falling within paragraph (b)) detain the motor vehicle; and a direction under subsection (3) may require both the motor vehicle and the trailer to be removed to the place specified in the direction.

(5) A vehicle which, in accordance with a direction given under subsection (3), is removed to a place specified in the direction shall be detained in that place, or in any other place to which it is removed in accordance with a further direction given under that subsection, until a constable (or, if that place is in the occupation of the Department, the Department) authorises the vehicle to be released on being satisfied—

- (a) that the prohibition (if any) imposed in respect of the vehicle under section 74D has been removed, or that no such prohibition was imposed;  
(b) that appropriate arrangements have been made for removing or remedying the circumstances in consequence of which any such prohibition was imposed;  
(c) that the vehicle will be taken forthwith to a place from which it will be taken out of Northern Ireland; or  
(d) in the case of a vehicle detained under subsection (4) that (in the case of a motor vehicle) the purpose for which it was detained has been fulfilled or (in the case of a trailer) it is no longer necessary to detain it for the purpose of safeguarding the trailer or its load.

(6) Any person who—

- (a) drives a vehicle in accordance with a direction given under this section; or  
(b) is in charge of a place at which a vehicle is detained under subsection (5),

shall not be liable for any damage to, or loss in respect of, the vehicle or its load unless it is shown that he did not take reasonable care of the vehicle while driving it or, as the case may be, did not, while the vehicle was detained in that place, take reasonable care of the vehicle or (if the vehicle was detained there with its load) did not take reasonable care of its load.

(7) In this section “appropriate person”—

- (a) in relation to a direction to remove a motor vehicle, other than a motor vehicle drawing a trailer, means a person licensed to drive vehicles of the class to which the vehicle belongs, and  
(b) in relation to a direction to remove a trailer, or to remove a motor vehicle drawing a trailer, means a person licensed to drive vehicles of a class which, when the direction is complied with, will include the motor vehicle drawing the trailer in accordance with that direction.

Production of certain documents.

74G.—(1) Subsection (2) shall have effect in relation to a vehicle where it appears to an authorised officer that the vehicle—

- (a) is a foreign goods vehicle, or
- (b) is a foreign public service vehicle,

which has been brought into Northern Ireland and is being used, or which has been brought into Northern Ireland for the purposes of being used, in such circumstances as, by virtue of regulations for the time being in force under section 45 of the Transport Act (Northern Ireland) 1967, to require a document of a description specified in the regulations to be carried on it.

(2) In the circumstances mentioned in subsection (1) an authorised officer, on production, if so required, of his authority—

- (a) may require the driver of the vehicle to produce a document of the description in question and to permit the authorised officer to inspect and copy it, and
- (b) may detain the vehicle for such time as is requisite for the purpose of inspecting and copying the document,

and, if the driver refuses or fails to comply with any such requirement (including any case where he does so by reason that no such document is carried on the vehicle), the authorised officer may prohibit the driving of the vehicle on a road, either absolutely or for a specified purpose, and either for a specified period or without limitation of time.

(3) In subsections (3) and (4) of section 74D and in sections 74E and 74F any reference to a prohibition imposed under section 74D shall be construed as including a reference to a prohibition imposed under this section; and, in relation to a prohibition imposed under this section, so much of section 74D (4) or of section 74E (2) as relates to the circumstances in consequence of which the prohibition was imposed shall be read subject to the appropriate modifications.

Application of s. 178 to foreign vehicles on harbour land.

74H.—(1) The powers conferred by section 178 (1) (whereby an authorised officer or constable is empowered to require the person in charge of a motor vehicle to allow the vehicle or any trailer drawn thereby to be weighed, and the weight transmitted to the road by any parts of the vehicle or trailer in contact with the road to be tested, and for that purpose to proceed to a weighbridge or other machine for weighing vehicles) shall be exercisable in relation to the person in charge of a motor vehicle which is a foreign goods vehicle or a foreign public service vehicle and is for the time being on land to which this section applies, whether that land is or is not a road, and whether apart from this section those powers would be so exercisable or not; and any reference in that section to those powers or to such a requirement shall be construed accordingly.

(2) This section applies to any land which forms part of a harbour or which is adjacent to a harbour and is occupied wholly or partly for the purposes of harbour operations.

(3) In this section “harbour” and “harbour operations” have the meanings assigned to them by section 38 (1) of the Harbours Act (Northern Ireland) 1970.

Inter-  
pretation  
and  
transitional  
provisions.

**74I.—(1) In this Part—**

“authorised officer” means an inspector of vehicles, an inspector appointed under section 37 of the Transport Act (Northern Ireland) 1967, an officer of the Department who is authorised by the Department for the purposes of section 58, an authorised inspection officer for the purposes of any relevant Community provision, a constable and, in relation to functions under section 178, a person authorised by the Department for the purposes of subsection (1) of that section;

“driver”—

(a) in relation to a motor vehicle, includes any person who is in charge of the vehicle, and, if a separate person acts as steersman, includes that person as well as any other person in charge of the vehicle or engaged in the driving of it, and

(b) in relation to a trailer, means any person who (in accordance with the preceding paragraph) is the driver of the motor vehicle by which the trailer is drawn;

“foreign goods vehicle” means a goods vehicle—

(a) which has been brought temporarily into Northern Ireland and does not remain in Northern Ireland for more than three months,

(b) which is engaged in carrying goods by road on a journey some part of which has taken place, or will take place, outside the United Kingdom,

(c) which is not used at any time during the said journey for the carriage of goods loaded at one place in the United Kingdom and delivered at another place in the United Kingdom;

“foreign public service vehicle” means a public service vehicle which has been brought into Northern Ireland and is not registered in the United Kingdom.

(2) In this Part any reference to driving a vehicle shall, in relation to a trailer, be construed as a reference to driving the motor vehicle by which the trailer is drawn.

(3) In this Part any reference to a motor vehicle drawing a trailer, or to a motor vehicle by which a trailer is drawn, shall be construed as a reference to a motor vehicle to which a trailer is attached for the purpose of being drawn by it; and where, for the purpose of being drawn by a motor vehicle, two or more trailers (one of which is attached to the motor vehicle) are attached to each other, the motor vehicle shall for the purposes of this Part be treated as drawing each of those trailers.

(4) For the purposes of this Part a motor vehicle which does not for the time being have exhibited on it a licence or trade plates issued under the Vehicles (Excise) Act (Northern Ireland) 1972 or under the Vehicles (Excise) Act 1971 or under any statutory provisions repealed by those Acts shall be presumed, unless the contrary is proved, not to be registered in the United Kingdom.

(5) Where, in accordance with subsection (4), a motor vehicle is presumed not to be registered in the United Kingdom, but is subsequently proved to have been so registered, anything which—

(a) has been done in relation to the vehicle, or in relation to a trailer drawn by it, by a person relying in good faith on that presumption and purporting to act by virtue of any provision of this Act, and

(b) would have been lawfully done by virtue of that provision if the vehicle had not been registered in the United Kingdom, shall be treated as having been lawfully done by virtue of that provision.”.

(2) The following Schedules shall be inserted after Schedule 1 to the principal Act:—

“Section 74D.

#### SCHEDULE 1A

##### STATUTORY PROVISIONS CONFERRING FUNCTIONS ON AUTHORISED OFFICERS

<i>Statutory provision</i>	<i>Function conferred</i>
The Public Service Vehicles and Goods Vehicles (Drivers' Hours of Duty) Regulations 1935 and any regulations made under section 49 or 52.	To examine records required to be kept by licensees and drivers of public service vehicles and goods vehicles.
Sections 37, 38 and 39 of the Transport Act (Northern Ireland) 1967.	To enter and inspect public service vehicles and goods vehicles, to inspect and copy documents required to be carried on such vehicles and to seize certain articles.
Section 29C.	To test motor vehicles on roads.
Section 50.	To enter and inspect goods vehicles and to require the production of documents.
Section 58.	To examine public service vehicles.
Section 63.	To examine large private passenger vehicles.
Section 74B.	To require production of and to inspect and copy books, records or documents which a person is required by the applicable Community rules to carry or have in his possession.
Section 178.	To require a motor vehicle or any trailer drawn thereby to be weighed.

<i>Statutory provision</i>	<i>Function Conferred</i>
Regulations 11 and 12 of the European Communities (International Passenger Services) Regulations (Northern Ireland) 1973.	To require production of, to inspect and copy documents.

Section 74D.

## SCHEDULE 1B

### STATUTORY PROVISIONS RELATING TO VEHICLES AND THEIR DRIVERS

<i>Statutory provision</i>	<i>Effect</i>
Section 4 of the Transport Act (Northern Ireland) 1967.	To require users of motor vehicles carrying passengers and their luggage for reward to hold road service licences.
Section 17 of the Transport Act (Northern Ireland) 1967.	To require users of certain goods vehicles to hold road freight vehicle licences unless exempted from doing so.
Regulations under section 45 (f) and (j) of the Transport Act (Northern Ireland) 1967.	To require documents, plates and marks to be carried in or by certain public service vehicles.
Any order under section 100 (2) of the Transport Act 1968.	To give effect in Northern Ireland to international agreements relating to vehicles used on international journeys.
Regulations under section 26.	To regulate the construction, weight, equipment and use of motor vehicles and trailers on roads.
Sections 31 to 35 and 38 to 42 and regulations made thereunder.	To require vehicles to carry front and rear lamps, headlamps and reflectors, to regulate their position, character and use and to make special provision for vehicles carrying overhanging or projecting loads and vehicles towing and being towed.
Section 49 and regulations made thereunder, and the applicable Community rules.	To limit driving time and periods of duty of drivers of goods vehicles and public service vehicles and to provide for the installation of recording equipment in, and the keeping of records on, such vehicles.
Regulation 5 of the European Communities (International Passenger Services) Regulations (Northern Ireland) 1973.	To give effect to Articles 1, 2 and 6 of the Council Regulation No. 117/66, which relate to the use of vehicles to provide a service for the carriage of passengers."

(3) In Schedule 3 to the principal Act (table of offences, penalties, etc.) the following entry shall be inserted at the appropriate place—

<p>“74F. Driving or causing or permitting the driving of a vehicle in contravention of a prohibition under section 74D, or refusing, neglecting or otherwise failing to comply with a direction given under section 74D (3).</p>	<p>Summary</p>	<p>A fine of £200.”.</p>
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*Deposits and securities in lieu of third party insurance*

10.—(1) In sections 75 (2) (b) and 78 (1) (a) of the principal Act, after the words “fifteen thousand pounds” there shall be inserted the words “or such other amount as the Department may by order specify”, and in section 78 (1) (a) the words “of the same amount” shall be omitted.

(2) In section 78 (1) (b) the proviso shall be omitted.

*Reckless driving*

11.—(1) For section 118 of the principal Act (dangerous driving and causing death or injury thereby) there shall be substituted the following section—

“Reckless driving and causing death or injury by reckless driving.

118.—(1) A person who causes the death of, or grievous bodily injury to, another person by driving a motor vehicle on a road or other public place recklessly shall be guilty of an offence under this Act.

(2) A person who drives a motor vehicle on a road or other public place recklessly shall be guilty of an offence under this Act.

(3) A person convicted of a second or subsequent offence under this section shall be disqualified for holding or obtaining a licence for a minimum period of one year, so, however, that where at the time of the commission of such second or subsequent offence a period of 3 reckonable years or more has elapsed since his last previous conviction for an offence under this section, the court may deal with the offence as a first offence.

(4) If it is made to appear to a justice of the peace by any constable that there is reasonable cause to believe that any motor vehicle which has been driven recklessly in contravention of subsection (1) or (2) may be found on any premises or place, the justice may, by warrant under his hand addressed to any constable, empower that constable to enter the said premises or place at any time within 48 hours of the signing of the warrant and to inspect any vehicle therein and to make inquiries therein with respect to any such vehicle.”.

(2) In section 156 (6) of the principal Act, for the reference to section 118 (5) there shall be substituted a reference to section 118 (4).

(3) In Schedule 3 to the principal Act for the entries relating to section 118 (2) and (3) of that Act, there shall be substituted the following entries—

"Section of Act	General Nature of Offence	Mode of Prosecution	Punishment
118 (1)	Causing death, etc. by reckless driving.	Indictment	A fine or imprisonment for 5 years or both such fine and imprisonment.
118 (2)	Reckless driving.	(a) Indictment (b) Summary	(a) A fine or imprisonment for 2 years or both such fine and imprisonment.  (b) A fine of £1,000 or imprisonment for 6 months or both such fine and imprisonment."

(4) Nothing in this Article shall apply in relation to offences committed on or before its coming into operation.

*Traffic surveys*

12. After section 137 of the principal Act (contravention of traffic directions) there shall be inserted the following section—

"Traffic directions for purposes of traffic surveys.

137A.—(1) A constable in uniform giving a traffic direction for the purposes of a traffic survey of any description which is carried out on or in the vicinity of a road shall be deemed for the purposes of section 137 to be carrying out functions under this Act.

(2) Section 137 shall apply to a traffic sign by which an indication is given for the purposes of the survey.

(3) In this section "traffic direction" and "indication" mean a direction or indication to stop a vehicle, to make it proceed to a particular point on or near the road on which the vehicle is being driven or propelled, but does not include a direction or indication requiring any person to furnish any information for the purposes of a traffic survey.

(4) The power to give a traffic direction or indication for the purposes of a traffic survey shall be so exercised as not to cause any unreasonable delay to a person who indicates that he is unwilling to furnish any information for the purposes of the survey."

*Variation of penalties for certain offences*

13.—(1) For the purpose of varying the maximum punishment on conviction, whether summarily or on indictment, of an offence against any of the provisions of the principal Act specified in column 1 of Schedule 1 (of which the general nature is indicated in column 2 thereof) for the entry in column 4 of Schedule 3 to that Act in relation to each of those provisions (which entries



are set out in column 3 of Schedule 1) there shall be substituted the corresponding entry in column 4 of Schedule 1.

(2) In Schedule 3 to the principal Act—

(a) for the entry in column 3 relating to each of the following provisions, namely, sections 142 (1) (b) and 145 (2), of that Act, there shall be substituted in each place the following entry—

“Summary”; and

(b) for the entry relating to section 148 of that Act, there shall be substituted the following entry—

Section of Act	General Nature of Offence	Mode of Prosecution	Punishment
148	Taking vehicle without owner's consent:—		
	Where vehicle is a pedal cycle.	Summary	A fine of £100.
	Where vehicle is a vehicle other than a pedal cycle.	(a) Indictment	(a) A fine or imprisonment for one year or both such fine and imprisonment;
		(b) Summary	(b) A fine of £1,000 or imprisonment for 6 months or both such fine and imprisonment.”.

(3) Nothing in this Article or in Schedule 1 shall apply in relation to offences committed on or before the date of the coming into operation of this Order.

#### *Miscellaneous amendments of the principal Act*

14. The principal Act shall have effect subject to the amendments set out in Schedule 2.

#### *Validation of orders transferring functions relating to the licensing of drivers*

15. The Driving Licences (Transfer of Functions) (Appointed Date) Order (Northern Ireland) 1973 (a) and the Driving Licences (Transfer of Functions) (Supplementary Provisions) Order (Northern Ireland) 1973 (b) (transfer of functions relating to the licensing of drivers) shall have effect, and be deemed always to have had effect, as if Article 15 of the Road Traffic (Amendment) (Northern Ireland) Order 1973 (c) had been in force when those orders were made and accordingly—

(a) S.R. & O. (N.I.) 1973 No. 338. (b) S.R. & O. (N.I.) 1973 No. 339.  
(c) S.I. 1973/1229 (N.I. 17).

- (a) the functions relating to the licensing of drivers exercisable under the principal Act (as originally enacted) by local authorities immediately before 1st October 1973 shall be deemed to have been transferred to the Ministry of Home Affairs on that date; and
- (b) those functions shall be deemed to have been included in the functions which were transferred from the Ministry of Home Affairs to the Department of the Environment under the Departments (Transfer of Functions) Order (Northern Ireland) 1973 (a).

*Repeals*

16. The enactments set out in Schedule 3 are hereby repealed to the extent specified in column 3 of that Schedule.

*N. E. Leigh,*  
Clerk of the Privy Council.

## SCHEDULES

Article 13 (1).

### SCHEDULE 1

#### VARIATION OF PENALTIES FOR CERTAIN OFFENCES UNDER THE PRINCIPAL ACT

Section of principal Act	General Nature of Offence	Existing maximum punishment in column 4 of Schedule 3	Entry to be substituted in column 4 of Schedule 3
1	Driving, or causing or permitting a person to drive, a motor vehicle on a road without a driving licence or a provisional licence.	A fine of £50.	A fine of £100.
3	Failure to comply with conditions or restrictions of full licence treated as provisional licence.	A fine of £50.	A fine of £100.
5	Failure to comply with conditions of provisional or special provisional licence.	A fine of £50.	A fine of £100.
6	Exceeding speed limit in vehicle required to display or displaying learner-driver's mark.	<p>(i) Where the mark is required to be displayed—</p> <p>(a) on first conviction, a fine of £50;</p> <p>(b) on second or subsequent conviction, a fine of £100.</p> <p>(ii) Where the mark is not required to be displayed—</p> <p>(a) on first conviction, a fine of £10;</p> <p>(b) on second or subsequent conviction, a fine of £25.</p>	<p>(i) Where the mark is required to be displayed, a fine of £100.</p> <p>(ii) Where the mark is not required to be displayed, a fine of £20.</p>

Section of principal Act	General Nature of Offence	Existing maximum punishment in column 4 of Schedule 3	Entry to be substituted in column 4 of Schedule 3
	Failure to deliver up driving licence or provisional licence for cancellation.	A fine of £50.	A fine of £100.
12	Failure to comply with restriction on restricted drivers.	(i) On first conviction, a fine of £50; (ii) On second or subsequent conviction, a fine of £100.	A fine of £100.
13	Exceeding speed limit in vehicle displaying restricted driver's mark where the mark is not required to be displayed.	(i) On first conviction, a fine of £10; (ii) On second or subsequent conviction, a fine of £25.	A fine of £20.
14	Failure to produce to court driving licence or provisional licence granted in Great Britain.	A fine of £50.	A fine of £100.
16	Contravention of rule of road or overtaking incorrectly.	A fine of £50.	A fine of £100.
18	Passing incorrectly with led horse.	A fine of £10.	A fine of £20.
20	Using or causing or permitting a vehicle to be used on a road restricted by order under section 20 in contravention of the order.	A fine of £50.	A fine of £100.
24	Causing or permitting dog without lead to be on designated road.	A fine of £5.	A fine of £20.

Section of principal Act	General Nature of Offence	Existing maximum punishment in column 4 of Schedule 3	Entry to be substituted in column 4 of Schedule 3
27	Using or causing or permitting to be used, motor vehicle or trailer on road when not complying with regulations as to construction and use.	<p>(i) Where the vehicle is a goods vehicle and—</p> <p>(a) the non-compliance with the regulations is such as to cause, or to be likely to cause, danger by reason of the condition of the vehicle, its trailer, or its parts or accessories, the number of passengers carried by it, or the weight, distribution, packing or adjustment of its load; or</p> <p>(b) the regulation not complied with is one relating to a construction and use requirement as to brakes, steering gear, tyres or any description of weight—</p> <p>A fine of £200.</p> <p>(ii) In any other case, a fine of £50.</p>	<p>In the case of an offence of using or causing or permitting the use of a goods vehicle—</p> <p>(a) so as to cause, or to be likely to cause, danger by the condition of the vehicle or its parts or accessories, the number of passengers carried by it, or the weight, distribution, packing or adjustment of its load; or</p> <p>(b) in breach of a construction and use requirement as to brakes, steering-gear, tyres or any description of weight; or</p> <p>(c) for any purpose for which it is so unsuitable as to cause or to be likely to cause danger—</p> <p>A fine of £400.</p> <p>In the case of an offence of carrying on a goods vehicle a load, which by reason of its insecurity or position, is likely to cause danger, a fine of £400.</p> <p>In any other case, a fine of £100.</p>
28	Selling etc. motor vehicle not complying with regulations as to construction and use or altering vehicle so as not to so comply.	A fine of £100.	A fine of £200.

Section of principal Act	General Nature of Offence	Existing maximum punishment in column 4 of Schedule 3	Entry to be substituted in column 4 of Schedule 3
29D (5)	Driving, or causing or permitting to be driven, vehicle in contravention of prohibition on driving it as being defective.	A fine of £50.	In the case of a goods vehicle, a fine of £400.  In the case of any other vehicle, a fine of £100.
40	Causing or permitting vehicle to be on road contrary to provisions as to lighting of vehicles.	A fine of £50.	A fine of £100.
46	Using goods vehicle on road without goods vehicle certificate.	A fine of £100.	A fine of £200.
48	Driver of goods vehicle allowing unauthorised persons in vehicle; unauthorised person being carried in goods vehicle.	A fine of £50.	A fine of £100.
49	Driving, or causing or permitting the driving of, goods vehicle in excess of prescribed hours.	A fine of £50.	A fine of £200.
53	Public service vehicle plying for hire where driver or conductor not licensed under section 65.	(i) On first conviction, a fine of £20; (ii) On second or subsequent conviction, a fine of £50.	A fine of £100.
54	Public service vehicle plying for hire when not licensed under section 55.	A fine of £100.	A fine of £200.

Section of principal Act	General Nature of Offence	Existing maximum punishment in column 4 of Schedule 3	Entry to be substituted in column 4 of Schedule 3
56 (2)	Permitting overcrowding on public service vehicle.	(i) On first conviction, a fine of £20; (ii) On second or subsequent conviction, a fine of £50.	A fine of £50.
56 (4)	Failure to produce to court licence granted under section 55 or 65.	A fine of £50.	A fine of £100.
58	Owner of public service vehicle failing to provide alternative transport.	(i) On first conviction, a fine of £50; (ii) On second or subsequent conviction, a fine of £100.	A fine of £100.
62	Using large private passenger vehicle without certificate of inspection.	(i) On first conviction, a fine of £50; (ii) On second or subsequent conviction, a fine of £100.	A fine of £100.
65	Driving or acting as conductor of public service vehicle without licence under section 65.	(i) On first conviction, a fine of £20; (ii) On second or subsequent conviction, a fine of £50.	A fine of £100.
66	Driving, or causing or permitting a person to drive, heavy goods vehicle without licence under section 67 or 68.	(i) On first conviction, a fine of £50; (ii) On second or subsequent conviction, a fine of £100 or imprisonment for three months.	A fine of £100.
70	Contravention of prescribed conditions of heavy goods vehicle driver's licence, or licence issued under section 68.	(i) On first conviction, a fine of £50; (ii) On second or subsequent conviction, a fine of £100 or imprisonment for three months.	A fine of £100.

Section of principal Act	General Nature of Offence	Existing maximum punishment in column 4 of Schedule 3	Entry to be substituted in column 4 of Schedule 3
75	Driving, or causing or permitting a person to drive, motor vehicle while uninsured.	(a) or (b)—a fine of £100 or imprisonment for six months or both such fine and imprisonment.	(a) or (b)—a fine of £200.
81	Failure of person against whom claim made to give information as to insurance or security.	A fine of £50.	A fine of £200.
82	Failure to give information or to produce certificate, or making false reply or false statement as to insurance.	(i) On first conviction, a fine of £20; (ii) On second or subsequent conviction, a fine of £50 or imprisonment for three months.  <i>NOTE: If in any case the offence consists only in failure to produce a certificate of insurance or security the punishment is that provided for an offence under section 156 (3).</i>	A fine of £200.  <i>NOTE: If in any case the offence consists only in failure to produce a certificate of insurance or security the punishment is that provided for an offence under section 156 (3).</i>
98 (1)	Parking, etc. vehicles in parking places on roads where charges made, contrary to byelaws under section 90, and otherwise contravening those byelaws.	A fine of £10.	A fine of £20.
98 (3)	Interfering, etc. with parking meter.	A fine of £50 or three months imprisonment or both such fine and imprisonment.	A fine of £50.
109	Failure to provide warning of road-works.	A fine of £50.	A fine of £100.



Section of principal Act	General Nature of Offence	Existing maximum punishment in column 4 of Schedule 3	Entry to be substituted in column 4 of Schedule 3
111	Interference with, or damage to, traffic signs.	A fine of £50 or three months imprisonment or both such fine and imprisonment.	A fine of £100.
112	Placing, etc. unauthorised traffic signs etc.	A fine of £50.	A fine of £100.
117 (3)	Taking, etc. title implying registration as driving instructor.	A fine of £100.	A fine of £200.
117 (6)	Making of false statement, etc. to obtain registration etc. as driving instructor.	A fine of £100 or imprisonment for six months or both such fine and imprisonment.	A fine of £200.
117A	Giving of paid driving instruction by unregistered or unlicensed persons or their employers.	A fine of £100 or six months imprisonment or both.	A fine of £200.
132	Careless driving.	A fine of £100.	A fine of £500.
133 (1)	Driving with uncorrected defective eyesight.	A fine of £50.	A fine of £100.

Section of principal Act	General Nature of Offence	Existing maximum punishment in column 4 of Schedule 3	Entry to be substituted in column 4 of Schedule 3
133 (2)	Refusal to submit to test to ascertain if offence committed under section 133 (1).	A fine of £50.	A fine of £100.
134	Exceeding speed limit.	A fine of £50.	A fine of £100.
135	Exceeding temporary or experimental speed limit.	A fine of £50.	A fine of £100.
136	Incitement to exceed speed limit under sections 134 and 135.	(i) On first conviction a fine of £50; (ii) On second or subsequent conviction a fine of £100 or imprisonment for three months or both such fine and imprisonment.	A fine of £100.
137	Contravention of traffic directions.	A fine of £50.	A fine of £100.
141	Selling unapproved protective headgear for motor cyclists.	A fine of £50 or imprisonment for three months or both such fine and imprisonment.	A fine of £100.
142 (1) (a)	Applying for or obtaining driving licence or provisional licence while disqualified by reason of being under age.	A fine of £50.	A fine of £100.
142 (1) (b)	Applying for or obtaining driving licence or provisional licence while disqualified.	(a) or (b) Imprisonment for not less than one month nor more than six months.	A fine of £100.
143 (1) (a)	Driving motor vehicle while disqualified by reason of being under age.	A fine of £50.	A fine of £100.

Section of principal Act	General Nature of Offence	Existing maximum punishment in column 4 of Schedule 3	Entry to be substituted in column 4 of Schedule 3
143 (1) (b)	Driving motor vehicle while disqualified.	(a) or (b) Imprisonment for not less than one month nor more than six months.	(a) A fine or imprisonment for one year or both such fine and imprisonment; (b) A fine of £1,000 or imprisonment for 6 months or both such fine and imprisonment.
143 (3)	Causing or permitting a person to drive while under age.	A fine of £50.	A fine of £100.
145 (1)	Failure to produce driving licence or provisional licence for endorsement.	A fine of £50.	A fine of £100.
145 (2)	Applying for or obtaining unendorsed driving licence or provisional licence when not entitled to obtain same.	(a) A fine of £100 or imprisonment for six months or both such fine and imprisonment. (b) A fine of £50 or imprisonment for three months or both such fine and imprisonment.	A fine of £100.
147 (1)	Vehicle causing obstruction.	A fine of £50.	A fine of £100.
147 (4)	Obstructing or impeding, etc. removal of vehicle under section 147 (2).	A fine of £50.	A fine of £100.
149	Tampering, etc. with motor vehicle or its equipment.	A fine of £50 or imprisonment for three months or both such fine and imprisonment.	A fine of £100.

Section of principal Act	General Nature of Offence	Existing maximum punishment in column 4 of Schedule 3	Entry to be substituted in column 4 of Schedule 3
150 (1)	Making false or misleading statements, furnishing false or misleading particulars or withholding material information in connection with applications for licences or certificates under Act or for obtaining certificates of insurance or security or issuing false certificates of insurance or security.	A fine of £50 or imprisonment for six months.	A fine of £200.
150 (2)	Forgery or fraudulently altering etc. identification marks, badges, licences, certificates or certificates of insurance, etc.	(a) A fine or imprisonment for two years or both such fine and imprisonment. (b) A fine of £50 or imprisonment for six months.	(a) A fine or imprisonment for 2 years or both such fine and imprisonment. (b) A fine of £1,000 or imprisonment for 6 months or both such fine and imprisonment.
152	Failure to comply with duties on occurrence of other accidents.	(a) or (b) (i) If injury is caused to any person as a result of accident in respect of which this offence is committed— A fine of £100 or imprisonment for six months or both such fine and imprisonment; (ii) Any other case— a fine of £50 or imprisonment for three months or both such fine and imprisonment.	A fine of £100.

Section of principal Act	General Nature of Offence	Existing maximum punishment in column 4 of Schedule 3	Entry to be substituted in column 4 of Schedule 3
154	Failure of pedal cyclist to give information for purposes of identification to police.	A fine of £5.	A fine of £20.
155	Failure of pedestrian to give information for purposes of identification to police.	A fine of £10.	A fine of £20.
156 (1A)	Failure to stop when so required by constable in uniform.	A fine of £50.	A fine of £100.
156 (3)	Failure to produce driving licence etc. for examination.	A fine of £10.	A fine of £50.
156 (6)	Obstruction, etc. of police.	A fine of £50.	A fine of £100.
173	Removing, etc. notice affixed to vehicle for purposes of section 173.	A fine of £10.	A fine of £20.
178	Failure to comply with requirement as to weighing of vehicle or trailer under section 178.	A fine of £50.	A fine of £400.
Sch. 2 para. 3 (1)	Wilfully applying warranty to protective headgear for motor cyclist where warranty not given in relation to that headgear.	As for offence under s. 141.	A fine of £50.
Sch. 2 para. 3 (2)	Giving false warranty in writing applying to protective headgear for motor cyclists.	As for offence under s. 141.	A fine of £50.
Regulations made under Act	Any contravention of any regulations under Act.	A fine of £50.	A fine of £100.

## AMENDMENTS OF PRINCIPAL ACT

## 1. In section 3—

(a) at the beginning of subsection (3) (licences to drive motor vehicles of certain classes to operate as provisional licences to drive those of other classes) insert the words "Subject to subsection (3A)" and after that subsection add the following subsection—

"(3A) In such cases as the Department may prescribe, the provisions of subsection (3) shall not apply or shall apply subject to such limitations as the Department may prescribe."; and

(b) in subsection (4) (subsection (3) not to apply to certain licences) omit the words "or any other licence of a description prescribed for the purposes of this subsection".

2. In section 5 (2) (provisional licences to continue in force for twelve months) for the words "a period of twelve months" substitute the words "such period as may be prescribed".

3.—(1) In section 12 (5) and (6) for the words "that class or description", where they secondly occur in each subsection, substitute the words "any class or description in respect of which he was subject to those restrictions".

(2) After section 12 (7) insert the following subsection—

"(7A) Subsections (5) to (7) shall have effect in relation to any person, who holds a provisional licence and who has passed a test of competence to drive vehicles of the class or description to which that licence relates, in the same manner as they apply to the holder of a temporarily restricted licence."

4.—(1) For section 19 substitute the following section—

"General powers to control movement of and waiting by traffic.

19.—(1) The Department may by order make provision in respect of any public road for all or any of the following purposes, that is to say—

- (a) requiring traffic on such roads or parts of roads as may be specified in the order to proceed in a specified direction at all times or at such times as may be so specified or prohibiting its so proceeding;
- (b) specifying the part of the road to be used by traffic proceeding in a specified direction;
- (c) prohibiting or restricting persons from causing or permitting vehicles to wait in such road or part thereof as may be indicated from time to time by traffic signs displayed thereon or therein for that purpose as the Department thinks fit or as may be specified in the order;
- (d) exempting vehicles from any such prohibition or restriction either wholly or during such days, at such times or for such periods or for such purposes as may be so specified;
- (e) generally for regulating the waiting of vehicles in any public road or any area.

(2) Subsections (4), (5) and (7) of section 20 shall apply to orders made under subsection (1) as they apply to orders made under that section.

(3) Any person who contravenes an order made under this section shall be guilty of an offence under this Act."

(2) Without prejudice to section 29 of the Interpretation Act (Northern Ireland) 1954 (effect of substituting provisions) byelaws and regulations made under section 19 (1) and (4), as originally enacted or as amended, 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 have effect as if made under that section as substituted by sub-paragraph (1).

(3) In Schedule 3 insert the following entry at the appropriate place—

“19	Contravention of an order controlling movement of, and waiting by, traffic.	Summary	A fine of £100.”.
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5.—(1) After section 29A (2) insert the following subsection—

“(2A) Section 8 (2) shall apply in relation to the repayment of a fee paid in pursuance of regulations made under subsection (2).”.

(2) At the end of section 74 add the following section—

“Repayment of fees. 74J. The Department may, with the approval of the Department of Finance, prescribe the circumstances in which any fee paid in pursuance of regulations made under sections 52, 61 and 64, or under any earlier enactment having like effect, may be repaid.”.

6. In section 31 (2) omit the words “during the hours of darkness”.

7. After section 71 insert the following section—

“Regulations to require production of certificates, etc. on grant of vehicle excise licence. 71A. The Department may by regulations provide that where application is made for a licence under the Vehicles (Excise) Act (Northern Ireland) 1972 for a goods vehicle, a public service vehicle or a large private passenger vehicle, which is required to be certified under section 46, 54 or 62, the licence shall not be granted unless there is produced such evidence as may be prescribed of the granting of a goods vehicle certificate, a public service vehicle licence or a certificate of inspection, relating to the vehicle and issued within the appropriate period before the date from which the licence is to be in force.”.

8.—(1) In sections 75 (5) and 158 for paragraphs (a) and (b) and the words “whichever period is longer” substitute the words—

“within a period of 6 months from the date on which evidence sufficient in the opinion of the complainant to warrant the proceedings came to his knowledge; but no such proceedings shall be brought by virtue of this section more than 3 years after the commission of the offence”.

(2) After sections 75 (5) and 158 add the following paragraph—

“For the purposes of this section a certificate signed by or on behalf of the complainant and stating the date on which such evidence as aforesaid came to his knowledge shall be conclusive evidence of that fact; and a certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.”.

9. In section 115 (3) for the words from “by order” to the end substitute the word “determine”.

10. In section 150 (3) after the words “certificate of security” insert the words “or a driving licence or a provisional licence”.

11. In section 157 (1)—

(a) omit the words from “until a summons” to “further detained”, and

(b) at the end add the words “to appear before a magistrates’ court to answer a complaint charging that offence”.

12. In section 172 (2) omit the words from "or before the date" to the end.
13. In section 176 (1) and (2) for the words "two pounds" substitute "£6".
14. In section 190 (1) for the definition of "dual purpose vehicle" substitute the following definition—

“dual purpose vehicle” means a vehicle constructed or adapted for the carriage both of passengers and of goods or burden of any description, being a vehicle of which the unladen weight does not exceed 2040 kilograms, and which either—

(i) is so constructed or adapted that the driving power of the engine is, or by the appropriate use of the controls of the vehicle can be, transmitted to all the wheels of the vehicle, or

(ii) satisfies the following conditions as to construction, namely:—

(a) the vehicle must be permanently fitted with a rigid roof, with or without a sliding panel;

(b) the area of the vehicle to the rear of the driver’s seat must—

(i) be permanently fitted with at least one row of transverse seats (fixed or folding) for two or more passengers and those seats must be properly sprung or cushioned and provided with upholstered back-rests, attached either to the seats or to a side or the floor of the vehicle; and

(ii) be lit on each side and at the rear by a window or windows of glass or other transparent material having an area or aggregate area of not less than 1850 square centimetres on each side and not less than 770 square centimetres at the rear;

(c) the distance between the rearmost part of the steering wheel and the back-rests of the row of transverse seats satisfying the requirements specified in sub-paragraph (b) (i) (or, if there is more than one such row of seats, the distance between the rearmost part of the steering wheel and the back-rests of the rearmost such row) must, when the seats are ready for use, be not less than one-third of the distance between the rearmost part of the steering wheel and the rearmost part of the floor of the vehicle.’



SCHEDULE 3

Article 16.

REPEALS

Chapter or Number	Short Title	Extent of Repeal
36 Geo. 3 c. 57 (Ir.).	The Canal Bridges Act (Ireland), 1796.	The whole Act.
19 & 20 Vict. c. 63.	The Grand Jury (Ireland) Act 1856.	The whole Act.
6 Edw. 7 c. 31.	The Local Government (Ireland) Act (1898) Amendment Act, 1906.	The whole Act.
1970 c. 2.	The Road Traffic Act (Northern Ireland) 1970.	<p>In section 3 (4), the words "or any other licence of a description prescribed for the purposes of this subsection".</p> <p>In section 31 (2), the words "during the hours of darkness".</p> <p>In section 78 (1)—                      (a) in paragraph (a), the words "of the same amount"; and                      (b) in paragraph (b), the proviso.</p> <p>In section 117—                      (a) subsection (4);                      (b) in subsection (5) the words "or subsection (4) (a)", "or subsection (4) (b)" and the words from "or, as the case may be," where they occur for the second time to the end; and                      (c) subsection (7).</p> <p>In section 122 (1) the words "subject to subsection (7)" and "or 121".</p> <p>In section 157 (1) the words from "until a summons" to "further detained".</p> <p>In section 171 (1) (b) the words "by its obstructing a road or".</p> <p>In section 172 (2) the words from "or before the date" to the end.</p>
S.I. 1973 No. 1229 (N.I. 17).	The Road Traffic (Amendment) (Northern Ireland) Order 1973.	<p>Article 11 (1) (b).</p> <p>In Schedule 3, the amendment relating to section 118 of the principal Act.</p>

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order amends the law in Northern Ireland on roads and road traffic. Part II deals with the placing of builders' skips on roads. Under Article 3 it is an offence to place a skip in such a position on a road as to cause an obstruction or danger.

Part III contains various amendments to the Road Traffic Act (Northern Ireland) 1970. Article 6 amends the law relating to the licensing of drivers of vehicles and includes a provision extending to ten years the period for which a driving licence may remain in force. Article 7 prohibits the fitting and sale of defective or unsuitable vehicle parts. Under Article 9 the Department of the Environment is empowered in certain circumstances to prohibit the driving of foreign vehicles in order to ensure compliance with road traffic and transport legislation. Article 13 and Schedule 1 provide for the variation of certain penalties under the Act of 1970.