

## STATUTORY INSTRUMENTS

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# 1981 No. 154

## Road Traffic (Northern Ireland) Order 1981

### PART XIII

#### GENERAL PROVISIONS AS TO OFFENCES, ENFORCEMENT, EVIDENCE AND PROCEEDINGS

##### Enforcement powers and powers of arrest

##### **Enforcement powers of constable**

**180.**—(1) A constable in uniform may require any person driving a<sup>[F1]</sup> mechanically propelled vehicle on a road or other public place or any person riding a cycle] on a road or other public place to stop, and any person who fails to stop when he is so required shall be guilty of an offence under this Order.

(2<sup>F2</sup> F3) A constable may require the production for examination of the driving licence, provisional licence, certificate of insurance,<sup>[F1]</sup> test certificate or goods vehicle test certificate]<sup>F4</sup> of any person—

- (a) who is driving a motor vehicle on a road; or
- (b) whom he reasonably suspects to have been involved in an accident on a road<sup>[F5]</sup> or other public place]; or
- (c) whom he reasonably suspects to have committed an offence under<sup>[F1]</sup> the Road Traffic Orders].

(3<sup>F2</sup> F3) If any condition of a provisional licence requires the holder of that provisional licence while driving or learning to drive a motor vehicle to be under the supervision of or to be accompanied by the holder of a driving licence a constable may at any time require the holder of the driving licence to produce his driving licence for examination.

<sup>[F6]</sup>(3A) A person required by a constable under paragraph (2) or (3) to produce his licence must in prescribed circumstances, on being required to do so by the constable, state his date of birth.

(3B) Where a person has been required under<sup>[F7]</sup> Article 37A of the Child Support (Northern Ireland) Order 1991 or] Article 28 or 29 of the Offenders Order to produce a licence and its counterpart to the court and fails to do so, a constable may require him to produce them and, upon their being produced, may seize them and deliver them to the court.]

(4<sup>F2</sup> F3) If any person fails to produce his licence or certificate of insurance or<sup>[F1]</sup> test certificate or goods vehicle test certificate]<sup>F4</sup> immediately when asked for it or, alternatively, to bring it in person within<sup>[F6]</sup> 7 days] after the production of his licence or certificate of insurance or<sup>[F1]</sup> test certificate or goods vehicle test certificate]<sup>F4</sup> was so required to such police station as the person so failing shall have specified at the time its production was required, he shall be guilty of an offence under this Order.

<sup>[F6F4]</sup>(4AA) Paragraph (4) does not apply where a person required on any occasion under the preceding provisions of this Article to produce his licence and its counterpart—

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- (a) produces on that occasion a current receipt for the licence and its counterpart issued under Article 62 of the Offenders Order and, if required to do so, produces the licence and its counterpart in person immediately on their return at a police station that was specified on that occasion, or
- (b) within 7 days after that occasion produces such a receipt in person at a police station that was specified by him on that occasion and, if required to do so, produces the licence and its counterpart in person immediately on their return at that police station.

(4AB) Where in accordance with this Article a person has stated his date of birth to a constable, the Department may serve on that person a notice in writing requiring him to provide the Department—

- (a) with such evidence in that person's possession or obtainable by him as the Department may specify for the purpose of verifying that date; and
- (b) if his name differs from his name at the time of his birth, with a statement in writing specifying his name at that time,

and a person who knowingly fails to comply with a notice under this paragraph is guilty of an offence.]

*Para. (5) rep. by 1991 NI 3*

*Para. (6) rep. by 1989 NI 12*

(7) Any person who obstructs any constable in the exercise of any powers conferred under<sup>[F1]</sup> the Road Traffic Orders shall, without prejudice to any other provision of those Orders,<sup>[F6]</sup> or who fails to state his date of birth when required under paragraph (3A) to do so] be guilty of an offence under this Order.

<sup>[F8]</sup>(8) In this Article “licence” means a licence to drive under Part II<sup>[F9]</sup>, a Great Britain licence] or a Community licence or counterpart of any such licences, and “Community licence”, “counterpart”<sup>[F9]</sup> Great Britain licence], and “provisional licence”, have the same meanings as in Part II.]

<sup>[F10]</sup>(9) In paragraphs (2) and (4)—

- (a) a reference to a test certificate includes a reference to a certificate of temporary exemption issued by virtue of paragraph (7A) of Article 63 of the Order of 1995; and
- (b) a reference to a goods vehicle test certificate includes a reference to a certificate of temporary exemption issued by virtue of paragraph (5) of Article 69 of that Order.]

<b>F1</b>	1995 NI 18
<b>F2</b>	mod. by SR 1989/238
<b>F3</b>	mod. by SR 1994/365
<b>F4</b>	prosp. insertion by 1995 NI 18
<b>F5</b>	SR 2000/331
<b>F6</b>	1996 NI 10
<b>F7</b>	2000 c. 4(NI)
<b>F8</b>	SR 1996/426
<b>F9</b>	2003 NI 16
<b>F10</b>	2004 NI 14

## **Powers of vehicle examiners as respects goods vehicles and passenger-carrying vehicles**

[<sup>F11</sup>**180A.** An examiner appointed under Article 74 of the Order of 1995 may, on production if required of his authority, exercise in the case of goods vehicles or passenger-carrying vehicles of any prescribed class all such powers as are, under Article 180, exercisable by a constable.]

**F11** 1995 NI 18

VALID FROM 09/06/2008

### [<sup>F12</sup>**Power to seize vehicles driven without insurance**

**180B.**—(1) Paragraph (4) applies if any of the following conditions is satisfied.

(2) The first condition is that—

- (a) a constable in uniform requires, under Article 180(2), a person to produce evidence that a motor vehicle is not or was not being driven in contravention of Article 90;
- (b) the person fails to produce such evidence; and
- (c) the constable has reasonable grounds for believing that the vehicle is or was being so driven.

(3) The second condition is that—

- (a) a constable in uniform requires, under Article 180(1), a person driving a motor vehicle to stop the vehicle;
- (b) the person fails to stop the vehicle, or to stop the vehicle long enough, for the constable to make such lawful enquiries as he considers appropriate; and
- (c) the constable has reasonable grounds for believing that the vehicle is or was being driven in contravention of Article 90.

(4) Where this paragraph applies, the constable may—

- (a) seize the vehicle in accordance with paragraphs (5) and (6) and remove it;
- (b) enter, for the purpose of exercising a power falling with sub-paragraph (a), any premises (other than a private dwelling house) on which he has reasonable grounds for believing the vehicle to be;
- (c) use reasonable force, if necessary, in the exercise of any power conferred by sub-paragraph (a) or (b).

(5) Before seizing the motor vehicle, the constable must warn the person by whom it appears that the vehicle is or was being driven in contravention of Article 90 that he will seize it if the person does not provide him immediately with evidence that the vehicle is not or was not being driven in contravention of that Article.

But the constable is not required to give him such a warning if the circumstances make it impracticable for him to do so.

(6) If the constable is unable to seize the vehicle immediately because the person driving the vehicle has failed to stop as requested or has driven off, he may seize it at any time within the period of 24 hours beginning with the time at which the condition in question is first satisfied.

(7) The powers conferred on a constable by this Article are exercisable only at a time when regulations under Article 180C are in operation.

(8) In this Article—

- (a) a reference to a motor vehicle does not include an invalid carriage;

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- (b) a reference to evidence that a motor vehicle is not or was not being driven in contravention of Article 90 is a reference to a document or other evidence within Article 103(1)(b);
- (c) “private dwelling house” does not include any garage or other structure occupied with the dwelling house, or any land appurtenant to the dwelling house.]

**F12** Arts. 180B, 180C inserted (9.6.2008) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), **21** (as amended by S.R. 2008/244, art. 3); S.R. 2008/244, **art. 2**

VALID FROM 09/06/2008

### **Retention etc. of vehicles seized under Article 180B**

[<sup>F12</sup>**180C.**—(1) The Secretary of State may by regulations make provision as to—

- (a) the removal and retention of motor vehicles seized under Article 180B; and
- (b) the release or disposal of such motor vehicles.

(2) Regulations under paragraph (1) may, in particular, make provision—

- (a) for the giving of notice of seizure of a motor vehicle under Article 180B to a person who is the registered keeper, the owner or the driver of that vehicle;
- (b) for the procedure by which a person who claims to be the registered keeper or the owner of a motor vehicle seized under Article 180B may seek to have it released;
- (c) for requiring the payment, by the registered keeper, owner or driver of the vehicle, of fees, charges or costs in relation to the removal and retention of such a motor vehicle and to any application for its release;
- (d) as to the circumstances in which a motor vehicle seized under Article 180B may be disposed of;
- (e) as to the destination—
  - (i) of any fees, charges or costs payable in accordance with the regulations;
  - (ii) of the proceeds (if any) arising from the disposal of a motor vehicle seized under Article 180B.

(3) Regulations under paragraph (1) must provide that a person who would otherwise be liable to pay any fee, charge or cost under the regulations is not liable to pay it if—

- (a) he was not driving the motor vehicle at the time in question, and
- (b) he did not know that the vehicle was being driven at that time, had not consented to its being driven and could not, by the taking of reasonable steps, have prevented it from being driven.

(4) Regulations under this Article shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 (c. 36) shall apply accordingly.

(5) In this Article “registered keeper”, in relation to a motor vehicle, means the person in whose name the vehicle is registered under the Vehicle Excise and Registration Act 1994.]

**F12** Arts. 180B, 180C inserted (9.6.2008) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), **21** (as amended by S.R. 2008/244, art. 3); S.R. 2008/244, **art. 2**

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## **Power to arrest persons resident outside United Kingdom**

**181.**—(1) A person who, being resident outside the United Kingdom, commits in Northern Ireland an offence to which this Article applies may be arrested without warrant by a constable and detained until he enters into a recognizance under the<sup>[F13]</sup> Magistrates' Courts (Northern Ireland) Order 1981] to appear before a magistrates' court to answer a complaint charging that offence.

(2) The offences to which this Article applies are—

(a) any offence under Article 90;

<sup>[F14]</sup>(b) any offence under Article 9 of the Order of 1995;

(bb) any offence under Article 10 of the Order of 1995;]

*Sub-para. (c) rep. by 1991 NI 3*

**F13** [1981 NI 26](#)

**F14** [1995 NI 18](#)

*Articles 182-186 rep. by 1996 NI 10*

*Article 187 rep. by 1997 NI 2*

*Articles 188-204 rep. by 1996 NI 10*

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