
STATUTORY INSTRUMENTS

1995 No. 2994

The Road Traffic (Northern Ireland) Order 1995

Part III

Construction and Use of Vehicles and Equipment

Miscellaneous provisions about vehicles and vehicle parts

Operator's duty to inspect, and keep records of inspection of, goods vehicles

82.—(1) The Department may make regulations requiring the operator for the time being of a goods vehicle to which the regulations apply to secure—

- (a) the carrying out by a suitably qualified person (including the operator if so qualified) of an inspection of the vehicle for the purpose of ascertaining whether the following requirements are complied with, namely—
 - (i) the construction and use requirements with respect to any prescribed matters, being requirements applicable to the vehicle,
 - (ii) the requirement that the condition of the vehicle is not such that its use on a road would involve a danger of injury to any person, and
- (b) the making and authentication of records of such matters relating to any such inspection as may be prescribed, including records of the action taken to remedy any defects discovered on the inspection,

and providing for the preservation of such records for a prescribed period not exceeding 15 months and their custody and production during that period.

(2) Regulations under this Article may—

- (a) apply to all goods vehicles or to goods vehicles of such classes as may be prescribed,
- (b) require the inspection of goods vehicles under the regulations to be carried out at such times, or before the happening of such events, as may be prescribed.

(3) Any person who contravenes any provision of regulations under this Article is guilty of an offence.

(4) In this Article “the operator”, in relation to a goods vehicle, means the person to whom it belongs or the hirer of it under a hire purchase agreement; but, if he has let it on hire (otherwise than by way of hire-purchase) or lent it to any other person, it means a person of a class prescribed by regulations under this Article in relation to any particular class of goods vehicles or, subject to any such regulations, that other person.

Vehicles not to be sold in unroadworthy condition or altered so as to be unroadworthy

83.—(1) Subject to the provisions of this Article no person shall supply a motor vehicle or trailer in an unroadworthy condition.

(2) In this Article references to supply include—

- (a) sell,
 - (b) offer to sell or supply, and
 - (c) expose for sale.
- (3) For the purpose of paragraph (1) a motor vehicle or trailer is in an unroadworthy condition if—
- (a) it is in such a condition that the use of it on a road in that condition would be unlawful by virtue of any provision made by regulations under Article 55 as respects—
 - (i) brakes, steering gear or tyres, or
 - (ii) the construction, weight or equipment of vehicles, or
 - (b) it is in such a condition that its use on a road would involve a danger of injury to any person.
- (4) Subject to the provisions of this Article no person shall alter a motor vehicle or trailer so as to render its condition such that the use of it on a road in that condition—
- (a) would be unlawful by virtue of any provision made as respects the construction, weight or equipment of vehicles by regulations under Article 55; or
 - (b) would involve a danger of injury to any person.
- (5) A person who supplies or alters a motor vehicle or trailer in contravention of this Article, or causes or permits it to be so supplied or altered, is guilty of an offence.
- (6) A person shall not be convicted of an offence under this Article in respect of the supply or alteration of a motor vehicle or trailer if he proves—
- (a) that it was supplied or altered, as the case may be, for export from Northern Ireland, or
 - (b) that he had reasonable cause to believe that the vehicle or trailer would not be used on a road in Northern Ireland, or would not be so used until it had been put into a condition in which it might lawfully be so used.
- (7) Sub-paragraph (b) of paragraph (6) shall not apply in relation to a person who, in the course of a trade or business—
- (a) exposes a vehicle or trailer for sale, unless he also proves that he took all reasonable steps to ensure that any prospective purchaser would be aware that its use in its current condition on a road in Northern Ireland would be unlawful, or
 - (b) offers to sell a vehicle or trailer, unless he also proves that he took all reasonable steps to ensure that the person to whom the offer was made was aware of that fact.
- (8) Nothing in the preceding provisions of this Article shall affect the validity of a contract or any rights arising under a contract.

Fitting and supply of defective or unsuitable vehicle parts

84.—(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 the use of the vehicle on a road would, by reason of that part being fitted to the vehicle, involve a danger of injury to any person or constitute a contravention of any of the construction and use requirements, he is guilty of an offence.

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

- (a) that the vehicle to which the part was fitted was to be exported from Northern Ireland, or
- (b) that he had reasonable cause to believe that that vehicle—
 - (i) would not be used on a road in Northern Ireland, or

- (ii) that it would not be so used until it had been put into a condition in which its use on a road would not constitute a contravention of any of the construction and use requirements and would not involve a danger of injury to any person.

(3) If a person—

- (a) supplies a vehicle part or causes or permits a vehicle part to be supplied, and
- (b) 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 is guilty of an offence 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 that the use of the vehicle on a road would, by reason of that part being fitted to the vehicle, constitute a contravention of any of the construction and use requirements or involve a danger of injury to any person.

(4) In this Article references to supply include—

- (a) sell, and
- (b) offer to sell or supply.

(5) A person shall not be convicted of an offence under paragraph (3) in respect of the supply of a vehicle part if he proves—

- (a) that the part was supplied for export from Northern Ireland, or
- (b) that he had reasonable cause to believe that—
 - (i) it would not fitted to a vehicle used on a road in Northern Ireland, or
 - (ii) it would not be so fitted until it had been put into such a condition that it could be fitted otherwise than in such circumstances that the use of the vehicle on a road would, by reason of that part being fitted to the vehicle, constitute a contravention of any of the construction and use requirements or involve a danger of injury to any person.

(6) An authorised examiner may at any reasonable hour enter premises where, in the course of a business, vehicle parts are fitted to vehicles or are supplied 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 that the use of the vehicle on a road would, by reason of that part being fitted to the vehicle, constitute a contravention of any of the construction and use requirements or involve a danger of injury to any person, or
- (b) the vehicle part could not be supplied for fitting to a vehicle used on roads in Northern Ireland without the commission of an offence under paragraph (3).

(7) For the purpose of testing a motor vehicle and any trailer drawn by it the authorised examiner may drive it and for the purpose of testing a trailer may draw it with a motor vehicle.

(8) Any person who obstructs an authorised examiner acting under paragraph (6) or (7) is guilty of an offence.

(9) In paragraphs (6) to (8) “authorised examiner” means a person who may act as an authorised examiner for the purposes of Article 75; and any such person, other than a constable in uniform, shall produce his authority to act for the purpose of paragraphs (6) and (7) if required to do so.

(10) Nothing in this Article shall affect the validity of a contract or of any rights arising under a contract.

Testing condition of used vehicles at sale rooms, etc.

85.—(1) An authorised examiner may at any reasonable hour enter premises where used motor vehicles or trailers are supplied in the course of a business and test and inspect any used motor vehicle or trailer found on the premises for the purpose of ascertaining whether it is in an unroadworthy condition for the purpose of Article 83(1).

(2) In this Article (except sub-paragraph (d)) references to supply include—

- (a) sell,
- (b) offer for sale or supply,
- (c) expose for sale, and
- (d) otherwise keep for sale or supply.

(3) An authorised examiner may at any reasonable hour enter premises where vehicles or vehicle parts of a class prescribed for the purposes of Article 31E of the Order of 1981 are supplied in the course of a business and test and inspect any such vehicle or vehicle part for the purpose of ascertaining whether the vehicle or vehicle part complies with the type approval requirements applicable to a vehicle or vehicle part of that class.

(4) For the purpose of testing a motor vehicle and any trailer drawn by it the authorised examiner may drive it and for the purpose of testing a trailer may draw it with a motor vehicle.

(5) A person who obstructs an authorised examiner acting under this Article is guilty of an offence.

(6) In this Article “authorised examiner” means a person who may act as an authorised examiner for the purposes of Article 75; and any such person, other than a constable in uniform, shall produce his authority to act for the purposes of that Article if required to do so.

(7) A motor vehicle or trailer shall be treated for the purposes of this Article as used if, but only if, it has previously been sold or supplied by retail.

Weighing of motor vehicles

86.—(1) Subject to any regulations made by the Department, an authorised person may, on production of his authority, require the person in charge of a motor vehicle—

- (a) to allow the vehicle or any trailer drawn by it to be weighed, either laden or unladen, and the weight transmitted to the road by any parts of the vehicle or trailer in contact with the road to be tested, and
- (b) for that purpose, to proceed to a weighbridge or other machine for weighing vehicles.

(2) For the purpose of enabling a vehicle or a trailer drawn by it to be weighed or a weight to be tested in accordance with regulations under paragraph (1), an authorised person may require the person in charge of the vehicle to drive the vehicle or to do any other thing in relation to the vehicle or its load or the trailer or its load which is reasonably required to be done for that purpose.

(3) If a person in charge of a motor vehicle—

- (a) refuses or neglects to comply with any requirement under paragraph (1) or (2), or
- (b) obstructs an authorised person in the exercise of his functions under this Article,

he is guilty of an offence.

(4) An authorised person may not require the person in charge of the motor vehicle to unload the vehicle or trailer, or to cause or allow it to be unloaded, for the purpose of its being weighed unladen.

(5) Regulations under paragraph (1) may make provision with respect to—

- (a) the manner in which a vehicle or trailer is to be weighed or a weight is to be tested as mentioned in paragraph (1), and

- (b) the limits within which, unless the contrary is proved, any weight determined by a weighbridge or other machine for weighing vehicles is to be presumed to be accurate for the purposes of any provision made by or under this Order or by or under any other enactment relating to motor vehicles or trailers.

(6) If—

- (a) at the time when the requirement is made the vehicle is more than 5 miles from the weighbridge or other machine, and
- (b) the weight is found to be within the limits authorised by law,

the Department must pay, in respect of loss occasioned, such amount as in default of agreement may be determined by a single arbitrator agreed upon by the parties or, in default of agreement, appointed by the Head of the Department.

(7) The Department may by regulations designate areas of Northern Ireland where paragraph (6) is to have effect, in such cases as may be specified in the regulations, with the substitution for 5 miles of a greater distance so specified.

(8) In this Article—

- (a) “road” includes 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,
- (b) “authorised person” means a vehicle examiner authorised by the Department or a constable authorised by or on behalf of the Chief Constable,

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

Further provisions relating to weighing of motor vehicles

87.—(1) Where a motor vehicle or trailer is weighed under Article 86, a certificate of weight must be given to the person in charge of the vehicle, and the certificate so given shall exempt the motor vehicle and the trailer, if any, from being weighed so long as it is during the continuance of the same journey carrying the same load.

(2) A certificate in the prescribed form which—

- (a) purports to be signed by an authorised person (within the meaning of Article 86), and
- (b) states in relation to a vehicle identified in the certificate, any weight determined in relation to that vehicle on the occasion of its being brought to a weighbridge or other machine in pursuance of a requirement under Article 86(1),

shall be evidence of the matter so stated.

(3) If, for the purposes of or in connection with the determination of any weight in relation to a vehicle which is brought to weighbridge or other machine as mentioned in Article 86(1), and authorised person (within the meaning of that Article)—

- (a) drives a vehicle or does any other thing in relation to a vehicle or its load or a trailer or its load, or
- (b) requires the driver of a vehicle to drive it in a particular manner or to a particular place or to do any other thing in relation to a vehicle or its load or a trailer or its load,

neither he nor any person complying with such a requirement shall be liable for any damage to or loss in respect of the vehicle or its load or the trailer or its load unless it is shown that he acted without reasonable care.

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