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STATUTORY INSTRUMENTS

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**1995 No. 2994**

**The Road Traffic (Northern Ireland) Order 1995**

**PART V**

**GENERAL AND SUPPLEMENTARY PROVISIONS**

*Offences*

**Prosecution and punishment of offences**

**104.**—(1) Schedule 2 sets out in tabular form the manner in which offences under this Order are punishable on conviction.

(2) In relation to an offence under a provision of this Order specified in column 1 of Schedule 2 (the general nature of that offence being described in column 2)—

- (a) column 3 shows whether that offence is punishable on summary conviction or on indictment or in either one way or the other;
- (b) column 4 shows the punishment which may be imposed on a person convicted of the offence in the way specified in relation thereto in column 3 (that is to say, summarily or on indictment), any reference in column 4 to a period of years or months being construed as a reference to a term of imprisonment for that duration.

(3) Unless a contrary intention appears, a reference in Schedule 2 to a period of imprisonment shall be construed as a reference to the maximum term of imprisonment which may be imposed for the offence, a reference to a fine without a qualifying reference to the amount thereof shall be construed as a reference to an unlimited fine and a reference to the amount of a fine shall be construed as the maximum fine which may be imposed for that offence.

(4) This Article and Schedule 2 shall be subject to any other provision of the Road Traffic Orders with respect to the prosecution and punishment of any offence specified in that Schedule.

*Application of Order*

**Application of Order to hovercraft**

**105.**—(1) For the purposes of this Order, a hovercraft (in this Article referred to as a hover vehicle)—

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

(2) The Department may by regulations provide—

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

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

#### **Application of Order to trolley vehicles**

**106.** The following provisions of this Order, that is to say—

- (a) Articles 9, 10, 12, 14 and 15;
- (b) Article 32;
- (c) so much of Article 55 as authorises the Department to make regulations with respect to lighting equipment and reflectors;
- (d) Article 104 and Schedule 2;

together with so much of the other provisions of the Road Traffic Orders as relate to those provisions shall, without prejudice to Article 8, apply in relation to trolley vehicles and the drivers of trolley vehicles as they apply in relation to heavy motor cars and the drivers of heavy motor cars.

#### **Application of Order to invalid carriages**

**107.** The Department may by regulations provide that a mechanically propelled vehicle which is an invalid carriage—

- (a) complying with the prescribed requirements, and
- (b) being used in accordance with the prescribed conditions,

is to be treated for such purposes of this Order as may be prescribed as not being a motor vehicle.

#### **Application of Order to the Crown**

**108.**—(1) Subject to the following provisions of this Article—

- (a) Part II; and
- (b) Part III, except Articles 76 to 82 and 85;

apply to vehicles and persons in the public service of the Crown.

(2) Articles 65 to 69 apply—

- (a) to vehicles in the public service of the Crown only if they are liable to be registered under the Vehicle Excise and Registration Act 1994(1);
- (b) to trailers in the public service of the Crown only while drawn by vehicles (whether or not in the public service of the Crown) which are required to be so registered.

(3) Where those Articles so apply, examinations of such vehicles in pursuance of regulations under Article 65 may be made by or under the directions of examiners authorised by the Department for the purpose instead of under the directions of examiners appointed under Article 74.

#### **Application of Order in relation to harbour commissioners**

**109.**—(1) Except to the extent provided by this Article and by Article 216 of the Order of 1981 the provisions of this Order shall not have effect in relation to the Belfast Harbour Commissioners or other harbour commissioners having in relation to their harbour area powers similar to those of the Belfast Harbour Commissioners for restricting access to, and regulating motor traffic on, roads,

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(1) 1994 c. 22.

and no road vested in, or under the control of, any such harbour commissioners shall be deemed for the purposes of this Order to be a road to which the public has access.

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

- (a) Articles 9, 10, 12, 14 and 15;
- (b) Articles 32 and 38;
- (c) Articles 40 to 44; and
- (d) so much of Article 55 as authorises the Department to make regulations with respect to lighting equipment and reflectors.

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

### *Supplementary*

#### **General provisions as to orders and regulations**

**110.**—(1) Except as is otherwise expressly provided by this Order, orders made by the Department under this Order shall be subject to negative resolution.

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

(3) Except as is otherwise provided by paragraph (4), regulations made under this Order shall be subject to negative resolution.

(4) Regulations—

- (a) made under Article 6, 13(2), 19(3) or 23; or
- (b) made under Article 24 for the purposes of paragraph (3) or (4) of that Article,

shall be subject to affirmative resolution.

(5) Without prejudice to the provisions of section 17(3) of the Interpretation Act (Northern Ireland) 1954(2), any regulations made under this Order may be of a local, as opposed to public general, nature and may be limited in their application to a particular area.

#### **Savings and transitional provisions**

**111.**—(1) Nothing in this Order shall authorise any person to use on any road any vehicle so constructed or used as to cause a public or private nuisance, or shall affect any liability of the driver or owner of a vehicle whether under statute or common law.

(2) Nothing in regulations made under Article 69(5) or in Article 71 shall be taken to authorise the carriage for reward of any passengers or any luggage or goods contrary to Parts II and III of the Transport Act (Northern Ireland) 1967(3).

(3) The Department may by order make such transitional provision as appears to it necessary or expedient for the purpose of giving effect to this Order.

(4) Nothing in this Article, or in an order made under paragraph (3), shall prejudice the operation of the Interpretation Act (Northern Ireland) 1954.

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(2) 1954 c. 33 (N.I.)

(3) 1967 c. 37 (N.I.)

**Minor and consequential amendments and repeals**

**112.**—(1) The statutory provisions mentioned in Schedule 3 shall have effect subject to the minor and consequential amendments there specified.

(2) The statutory provisions mentioned in Schedule 4 are repealed or revoked to the extent specified in the third column of that Schedule.