

## SCHEDULES

### SCHEDULE 3

Article 112(1).

#### Minor and Consequential Amendments

### Part I

#### Amendments of the Order of 1981

**1.—**(1) In Article 2 (interpretation), in paragraph (2)—

(a) insert the following definitions at the appropriate place alphabetically—

““the Order of 1995” means the Road Traffic (Northern Ireland) Order 1995;”;

““the Road Traffic Orders” means this Order and the Order of 1995;”;

(b) omit the definitions of “driver”, “invalid carriage”, “owner”, “pedal cycle” and “trolley vehicle” and, in the definition of “vehicle” the word “pedal”; and

(c) for the definition of inspector of vehicles substitute—

““inspector of vehicles” shall be construed in accordance with paragraph (4) of Article 74 of the Order of 1995 (appointment of vehicle examiners).”

(2) After that paragraph insert—

“(2A) Any expression for whose interpretation provision is made by Part I of the Order of 1995 or Article 53 of that Order (and not by this Article) is to be construed in accordance with that provision.”

**2.** In Article 4 (exceptions to requirement that drivers of motor vehicles have driving licences), in paragraph (3)(a) for the words “this Order” substitute “the Road Traffic Orders”.

**3.—**(1) In Article 19A (restrictions on newly qualified drivers and drivers disqualified until tested), in paragraph (5) for the words “this Order” in both places substitute “the Road Traffic Orders”.

(2) In paragraph (6) of that Article—

(a) in sub-paragraph (b) omit heads (ii), (iii) and (v), and

(b) in head (vi) for the word “motor” substitute “mechanically propelled”.

(3) After sub-paragraph (b) of paragraph (6) of that Article insert—

“(bb) an offence under any of the following provisions of the Order of 1995, that is to say—

(i) Article 9 (causing death, or grievous bodily injury, by dangerous driving);

(ii) Article 10 (dangerous driving);

(iii) Article 12 (careless, and inconsiderate, driving);

(iv) Article 34 (restriction of carriage of persons on motor bicycles); or.”

**4.** In Article 19D (interpretation of Part II)—

(a) in the definition of “relevant maximum weight”; and

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- (b) in the definition of “relevant maximum train weight”,  
for the words “Article 28”, in each place where they occur, substitute “Article 55 of the Order of 1995”.
5. In Article 31A (approved of design, construction, etc. of motor vehicles), in paragraph (1) for the words “Article 28” substitute “Article 55 of the Order of 1995”.
6. In Article 58 (regulations), in paragraph (1),  
(a) for the words “Articles 53 to 57” substitute “Article 56”; and  
(b) omit the words from “and in particular” onwards.
7. In Article 80 (repayment of fees) for the words “Articles 58, 66, or 69” substitute “Article 66”.
- 8.—(1) In Article 88 (weighing of vehicles on harbour land), in the heading, for “Article 206” substitute “Articles 86 and 87 of the Order of 1995”.  
(2) In paragraph (1) of that Article—  
(a) for the words from “Article 206(1)” to “constable” substitute “Article 86(1) of the Order of 1995 (whereby an authorised person”, and  
(b) for the words “that Article” substitute “Article 86 or 87 of the Order of 1995”.
- 9.—(1) In Article 89 (interpretation and transitional provisions relating to Part VII), in paragraph (1), in the definition of “authorised officer”—  
(a) for paragraph (a) substitute—  
    “(a) an examiner appointed under Article 74 of the Order of 1995,”;  
(b) omit paragraph (b); and  
(c) for paragraph (f) substitute—  
    “(f) in relation to functions under Articles 86 and 87 of the Order of 1995, an authorised person within the meaning of Article 86 of that Order”.  
(2) In paragraph (5) of that Article for the words “this Order” substitute “the Road Traffic Orders”.
10. In Article 118 (employment of traffic wardens), in paragraph (2) —  
(a) omit “158”; and  
(b) after “180(1) to (3)” insert “of this Order and Article 49 of the Order of 1995”.
- 11.—(1) In Article 150 (use of specimens in proceedings)—  
(a) in the heading of the Article, for the words “Article 143 or 144”, substitute “Article 14, 15 or 16 of the Order of 1995”; and  
(b) in paragraph (1) for the words “Article 143 or 144” substitute “Article 14, 15 or 16 of the Order of 1995 (driving offences connected with drink or drugs); and expressions used in this Article and in Articles 151 and 152 have the same meaning as in Article 13 of the Order of 1995”.  
(2) In paragraph (2) of that Article after the word “cases” insert the words “(including cases where the specimen was not provided in connection with the alleged offence)”.
12. In Article 171 (vehicle causing obstruction)—  
(a) omit paragraph (1); and  
(b) in paragraph (2) for the word “so” substitute “in contravention of Article 32 of the Order of 1995 (leaving vehicles in dangerous positions)”.

**13.** In Article 172 (taking vehicle without owner’s consent or authority), in paragraphs (1), (3) and (4) omit the word “pedal” wherever it occurs.

**14.—**(1) In Article 174 (false statements in connection with forgery of, and fraudulent use of, documents, etc.), in sub-paragraphs (a) and (b) of paragraph (1) for the words “this Order”, wherever they occur, substitute “the Road Traffic Orders”.

(2) In paragraph (2) of that Article—

- (a) for the words “this Order”(first time) substitute “the Road Traffic Orders”;
- (b) for the words “Article 129A” substitute “Article 23 of the Order of 1995”.

**15.** In Article 177 (identification of drivers, or owners of, and passengers in, vehicles) for the words “this Order”(where they occur for the first time) substitute “the Road Traffic Orders”.

**16.** In Article 178 (identification of cyclists)—

- (a) omit the word “pedal”; and
- (b) for the words “Article 162” substitute “Article 42, 43 or 44 of the Order of 1995”.

**17.** In Article 179 (identification of pedestrians), in paragraph (1) for the words “this Order”, in both places substitute “the Road Traffic Orders”.

**18.—**(1) In Article 180 (enforcement powers of constable) in paragraph (1) for the words from “motor vehicle” to “pedal cycle” substitute “mechanically propelled vehicle on a road or other public place or any person riding a cycle”.

(2) In paragraph (2) of that Article—

- (a) for the words “or vehicle test certificate” substitute “test certificate or goods vehicle test certificate”; and
- (b) in sub-paragraph (c) of that paragraph for words “this Order” substitute “the Road Traffic Orders”.

(3) In paragraph (4) of that Article for the words “vehicle test certificate”(in both places where they occur) substitute “test certificate or goods vehicle test certificate”.

(4) In paragraph (7) of that Article for the words from “this Order”(first time) to “this Order”(second time) substitute “the Road Traffic Orders shall, without prejudice to any other provision of those Orders,”.

**19.—**(1) As from the day appointed under Article 1(2) of the Road Traffic (amendment) (Northern Ireland) Order 1991(1) for the coming into operation of Article 7 of that Order, Article 180 shall have effect subject to the following amendments.

(2) In paragraphs (2) and (4) of that Article after the words “goods vehicle test certificate”, wherever they occur insert “or motor cycle training certificate”.

(3) After paragraph (4) of that Article insert—

“(4A) In paragraphs (2) and (4) “motor cycle training certificate” means a certificate, as prescribed under Article 5, of completion of an approved training course for motor cyclists”.

**20.** In Article 181 (power to arrest persons resident outside the United Kingdom), for paragraph (2)(b) substitute—

- “(b) any offence under Article 9 of the Order of 1995;
- (bb) any offence under Article 10 of the Order of 1995;”.

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- 21.** In Article 184 (notice of intention to prosecute for certain offences), in paragraph (1)—
- (a) for the words “or 171” substitute “or an offence under Article 32 of the Order of 1995”; and
  - (b) for the words “this Order” substitute “the Road Traffic Orders”.
- 22.** In Articles 187(1), 188(1), 190(1), 191 and 192(1) for the words “this Order”, wherever they occur, substitute “the Road Traffic Orders”.
- 23.—**(1) In Article 194 (provisions as to disqualification for applying or obtaining a licence), in paragraph (1) for the words from the beginning to “Article 201” substitute—
- “Subject to paragraph (2), any court before which a person is convicted under the Road Traffic Orders or otherwise of any offence in connection with the use, driving or being in charge of a motor vehicle on any road or other public place”.
- (2) For paragraph (2) of that Article substitute—
- “(2) Nothing in paragraph (1) shall prejudice the provisions of Article 193 or 197A, or any enactment under which a court may be required to disqualify a person convicted of an offence for a minimum period.
- (2A) In any case where a court exercises its powers under Article 139 or 152 not to order disqualification or to order disqualification for a shorter period than would otherwise be required it must state the grounds for doing so in the order of the court.”
- 24.** In Article 196 (order of disqualification until test passed), in paragraphs (1) and (2) for the words “this Order”, wherever they occur, substitute “the Road Traffic Orders”.
- 25.** In Article 197 (provisions as to endorsements of licences), in paragraph (1) for the words “this Order” in both places insert “the Road Traffic Orders”
- 26.—**(1) In Article 198 (offences which are punishable without prosecution)—
- (a) in sub-paragraph (d) of paragraph (1), for the words “Article 29” substitute “Article 54, 56, 57 or 58 of the Order of 1995”; and
  - (b) in sub-paragraph (f) of that paragraph for the words “the Vehicles (Excise) Act (Northern Ireland) 1972” substitute “the Vehicle Excise and Registration Act 1994”.
- (2) In paragraph (2) of that Article for the words “this Order” substitute “the Road Traffic Orders”.
- 27.—**(1) In Article 212 (application of Order to hovercraft and trolley vehicles), in paragraph (1) (b) for the words from “sub-paragraphs” onwards substitute “Article 3 of the Order of 1995”.
- (2) In paragraph (3) of that Article—
- (a) for the words “Article 28” substitute “Article 50A”;
  - (b) omit the words “Articles 38 to 49”, “Article 57”, and the reference to Articles 139, 141 and 153; and
  - (c) for the words “Article 205” substitute “Article 8 of the Order of 1995”.
- 28.** In Article 214 (application of Order to the Crown), in paragraph (3) for the words “Articles 55 to 57” substitute “Article 56”.
- 29.** In Article 215 (application of Order in relation to harbour commissioners), in paragraph (2) omit sub-paragraphs (a), (c), (d) and (f).
- 30.** In Schedule 1 (statutory provisions conferring functions on authorised officers)—
- (a) omit the entries relating to Articles 35, 57, 68 and 206 of the Order of 1981; and
  - (b) at the end insert the following entries—

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	Article 75 of the Order of 1995.	To test motor vehicles on roads, etc.
Article 76 of the Order of 1995.	To stop and test goods vehicles, public passenger vehicles, etc.	
Articles 86 and 87 of the Order of 1995.	To require a motor vehicle or any trailer drawn by a motor vehicle to be weighed.	

**31.** In Schedule 2 (statutory provisions relating to vehicles and their drivers)—

- (a) omit the entry relating to regulations made under Article 28 of the Order of 1981 and the entry relating to Articles 38 to 42 and 45 to 49 and regulations made thereunder; and
- (b) at the end insert the following entry—

Regulations made under Article 55 of the order of 1995.	To require the construction, weight, equipment and use of vehicles.
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**32.** In Schedule 4 (table of offences, etc.)—

- (a) after the entry relating to Article 174A insert the following entry—

“174B	Breach of regulations under Road Traffic Orders.	Summary.	A fine of level 3 on the standard scale.”
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- (b) in the entry relating to Article 175 for the word “motor” substitute “mechanically propelled”.

## PART II

### Other Amendments

#### *Transport Act (Northern Ireland) 1967 (c. 37)*

**33.—**(1) In section 81 (interpretation of the Act) the existing provision shall be numbered as subsection (1).

- (2) After that provision insert the following subsection—

“(2) Any reference in this Act to an inspector appointed under Part IV shall be construed in accordance with paragraph (4) of Article 74 of the Road Traffic (Northern Ireland) Order 1995 (appointment of vehicle examiners)”

#### *Clean Air (Northern Ireland) Order 1981 (NI 4)*

**34.** In Article 34 (suspected offences in relation to motor vehicles) for the words “Article 28(1)(d) of the Road Traffic (Northern Ireland) Order 1981” substitute “Article 55(2)(b) of the Road Traffic (Northern Ireland) Order 1995”.

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*Fines and Penalties (Northern Ireland) Order 1984 (NI 3)*

**35.** In Schedule 2 (fines not increased by the Order) for paragraph 20 substitute—

“**20.** Article 62(2) of the Road Traffic (Northern Ireland) Order 1981”.

*Police and Criminal Evidence (Northern Ireland) Order 1989 (NI 12)*

**35.** In Article 35 (limitations on police detention), in paragraph (7) for the words from “under” to “1981” substitute “under Article 17(5) of the Road Traffic (Northern Ireland) Order 1995”.

**37.** In Article 37 (custody officers at police stations), in paragraph (6), for sub-paragraph (d) substitute—

“(d) doing anything under Article 18 or 19 of the Road Traffic (Northern Ireland) Order 1995”.

**38.** In Article 62 (intimate samples), for paragraph (11) substitute—

“(11) Nothing in this Article affects Articles 13 to 21 of the Road Traffic (Northern Ireland) Order 1995 or Articles 150 to 152 of the Road Traffic (Northern Ireland) Order 1981”.

**39.** In Schedule 5 (serious arrestable offences), in Part II, omit paragraph 3 and the heading preceding it, and at the end of that Schedule add—

*“Road Traffic (Northern Ireland) Order 1995*

**13.** Article 9 (causing death, or grievous bodily injury, by dangerous driving).

**14.** Article 14 (causing death, or grievous bodily injury, by careless driving when under influence of drink or drugs).”

*Radioactive Materials (Road Transport) (Northern Ireland) Order 1992 (NI 2)*

**40.** In Article 2(2) (definitions) in the definition of “inspector” for paragraph (b) substitute—

“(b) a person appointed as an examiner under Article 74 of the Road Traffic (Northern Ireland) Order 1995;”.

*Roads (Northern Ireland) Order 1993 (NI 15)*

**41.** In Article 24 (exercise of road functions by concessionaire), in paragraph (2)(b) for the words “Road Traffic Order” substitute “Road Traffic (Northern Ireland) Orders 1981 and 1995”.

**42.** In Article 39 (restriction on access to toll roads), in paragraph (3)(b) for the words “Article 206 of the Road Traffic Order” substitute “Articles 86 and 87 of the Road Traffic (Northern Ireland) Order 1995”.

*Criminal Justice (Northern Ireland) Order 1994 (NI 15)*

**43.—**(1) In Article 11 (power to deprive offenders of property used for purposes of crime), in paragraph (3)(b) for the words “Article 146 of the Road Traffic (Northern Ireland) Order 1981” substitute “Article 18 of the Road Traffic (Northern Ireland) Order 1995”.

(2) In paragraph (4) of that Article for the words “Order 1981” substitute “Orders 1981 and 1995”.

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