
STATUTORY INSTRUMENTS

1997 No. 276

The Road Traffic Regulation (Northern Ireland) Order 1997

PART IX

MISCELLANEOUS

Other miscellaneous provisions

Permits authorising carriage of greater weights

62.—(1) The Department or a bridge authority may, as respects any road or bridge for the maintenance of which it is responsible issue (subject to such conditions, if any, as it thinks fit) a permit authorising any specified vehicle to carry on the road or bridge specified weights notwithstanding that when conveying such weights the vehicle does not comply with any regulations as to—

- (a) the laden weight of vehicles; or
- (b) the maximum weight which may be transmitted to the road or any part of it by vehicles.

(2) It shall not be an offence against the regulations referred to in paragraph (1), so long as the conditions, if any, attached to the permit are complied with, to use or to cause or permit the specified vehicle to be used for the carriage on that road or bridge of weights authorised by the permit.

(3) It shall be a condition of any permit issued under this Article that the permit shall be produced for examination at the request of a constable or any specified person.

(4) In this Article—

“bridge authority” means the authority or person responsible for the maintenance of a bridge;

“permit” means permit in writing;

“road” means a road to which the public has access;

“specified” means specified in the permit.

Repayment of charges

63.—(1) A provision in this Order conferring power to make provision for payment of a charge shall be treated as also conferring power to make provision about repayment of sums paid, or purported to be paid, in pursuance of provision made in exercise of that power.

(2) Without prejudice to the generality of the power conferred by paragraph (1), the provision which may be made by virtue of that paragraph includes provision—

- (a) that repayment shall be made only if a specified person is satisfied that specified conditions are met or in other specified circumstances;
- (b) that repayment shall be made in part only;
- (c) that, in the case of partial repayment, the amount shall be a specified sum or determined in a specified manner; and

- (d) for repayment of different amounts in different circumstances.
- (3) In this Article “specified” means specified in the instrument exercising the power.

Power to install equipment for detection of traffic offences

64. After Article 65 of the Roads (Northern Ireland) Order 1993 (road humps and other traffic calming works) there shall be inserted the following Article—

“Equipment for detection of traffic offences

65A. The Department may install and maintain on or near a road structures and equipment for the detection of traffic offences.”.

Inquiries

65.—(1) Schedule 6 shall have effect in relation to any inquiry authorised by any provision of this Order.

(2) For the purposes of any such inquiry Schedule 8 to the Health and Personal Social Services (Northern Ireland) Order 1972 (which applies in relation to inquiries by virtue of section 23 of the 61 Interpretation Act (Northern Ireland) 1954) shall have effect as if the words “or may, if the Department so determines, be wholly or partly defrayed by the Department” were added at the end of paragraph 6 of that Schedule.

(3) Where an inquiry has been held under this Order, the Department may, after considering the report of the person who held the inquiry,—

- (a) determine to make the order or scheme; or
- (b) make the order or scheme either without modification or subject to such modifications as the Department thinks fit.

Power to prohibit or restrict use of vehicles on certain bridges

66.—(1) Where the bridge authority of any bridge carrying a road used by the public is satisfied that the bridge is insufficient to bear vehicles of which the weight exceeds certain limits, the authority may by a conspicuous notice in the prescribed form placed in a proper position at each end of the bridge prohibit the use of the bridge by any vehicle of which the weight exceeds a maximum weight specified in the notice and any such notice may specify different maximum weights in relation to a vehicle travelling at a speed less than a speed specified in the notice, and in relation to a vehicle travelling at that speed or any greater speed.

(2) The Department shall, in respect of any public road leading to a bridge, give to the bridge authority reasonable facilities for placing on the road any notice under paragraph (1) and, if the Department so requires, the bridge authority shall erect warning notices in the prescribed form at the principal junctions of roads leading to the bridge.

(3) Before placing a restriction or prohibition or varying or revoking a restriction or prohibition under this Article on the use of a bridge the bridge authority (where it is not the Department) shall give the Department 28 days' notice of its intention to do so with particulars of the restriction or prohibition or the variation or revocation of the restriction or prohibition (or such shorter notice as may be agreed with the Department).

(4) The Department shall cause a list to be kept of all restrictions or prohibitions which have been placed on the use of bridges under this Article and the list shall be open to inspection by any person.

(5) If, without the consent of the bridge authority, a vehicle is driven across a bridge in contravention of a notice placed in accordance with paragraph (1), any person who so drives the

vehicle, or causes or permits it to be so driven, shall be liable to make good to the bridge authority any damage caused to the bridge and, in addition and without prejudice to such liability, is guilty of an offence.

(6) If on any prosecution or proceedings under paragraph (5) the court is satisfied that there are reasonable grounds for believing that the weight of the vehicle exceeded any maximum weight specified in the notice, it shall lie on the defendant to prove the contrary.

(7) Any person or body of persons aggrieved by a restriction or prohibition placed on the use of a bridge under this Article may at any time apply to the Department, where it is not the bridge authority, for an order modifying or removing the restriction or prohibition.

(8) On receiving an application under paragraph (7), the Department may cause the bridge to be inspected, and may require the bridge authority to give to the inspector such information as to its structure and condition, and such other facilities for his investigation of the circumstances, as the bridge authority may be able to give; and may, if it thinks proper, after considering the report of the inspector and any representations made to it by the bridge authority, make an order modifying or removing the restriction or prohibition, or imposing different restrictions; and the bridge authority shall, within such time as may be specified in the order, cause notices to be erected in compliance with the order.

(9) The Department may at any time on an application made to it by the bridge authority, or without such an application, vary or revoke any order made by it under paragraph (8), if it is satisfied that it is proper so to do.

(10) Where the Department is the bridge authority, any person or body of persons aggrieved by a restriction or prohibition placed on the use of a bridge under this Article may at any time apply to the Department for the modification or removal of the restriction or prohibition and the Department after considering the application may, if it thinks fit, modify or remove the restriction or prohibition.

(11) In this Article—

“bridge authority” means the authority or person responsible for the maintenance of a bridge;

“placed in a proper position” means placed in such a position either on or near the bridge, or on or near the road leading to the bridge, as to be visible at a reasonable distance from the bridge to the drivers of vehicles approaching it;

“weight” means any prescribed description of weight.

(12) Regulations under paragraph (11) may provide that Article 20 of the Road Traffic Offenders (Northern Ireland) Order 1996 shall have effect in relation to any proceedings for an offence under this Article as it has effect in relation to proceedings for an offence under Article 54, 56, 57 or 58 of the Order of 1995.

(13) The reference in paragraph (12) to Article 20 of the Road Traffic Offenders (Northern Ireland) Order 1996 includes a reference to Article 186 of the Order of 1981.

Prospective exercise of powers

67.—(1) Any power under this Order to make an order or give a direction relating to a road may be exercised before the road is open for public use, so as to take effect immediately on the road’s becoming open for public use.

(2) The procedure for making an order or giving a direction applies in such a case with such modifications as may be prescribed.

Hovercraft

68.—(1) For the purposes of this Order and the Road Traffic Offenders (Northern Ireland) Order 1996, 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 of the Order of 1995.
- (2) The Department may by regulations provide—
- (a) that any provision 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.

Trolley vehicles

69. Articles 7, 39 and 43, together with so much of the other provisions of this Order as relates to those provisions shall, without prejudice to Article 8 of the Order of 1995, 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.

The Crown

70.—(1) Subject to paragraph (2), the provisions of this Order apply to vehicles and persons in the public service of the Crown.

(2) The Department may make regulations exempting from the provisions of this Order, or of any regulation or order made under this Order, vehicles and persons in the public service of the Crown.

Application of Order in relation to harbour commissioners

71.—(1) Except to the extent provided by this Article and Article 72 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, 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) Article 43; and
- (b) Part VIII (except Articles 49 and 52).

(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.

Application of speed limits to Belfast Harbour Estate

72.—(1) Where the Belfast Harbour Commissioners resolve that any length of road within their jurisdiction under or by virtue of the Belfast Harbour Acts 1847 to 1950 should be a restricted road within the meaning of this Order, the Department may, subject to the provisions of this Article and to such conditions as may be specified in the order, make an order under Article 37(3) deeming that road to be such a restricted road and Articles 36 and 43 shall have effect accordingly in relation to that road.

(2) Where such an order is made, Article 41 shall apply to the Belfast Harbour Commissioners as it applies to the Department.

(3) Nothing in any such order shall prejudice or affect any power of the Belfast Harbour Commissioners under the Belfast Harbour Acts 1847 to 1950 to make and enforce bye-laws.

Transitional provisions

73.—(1) The Department may by order make such transitional provision as appears to it necessary or expedient for the purposes of this Order.

(2) Any bye-laws and regulations made under section 19(1) and (4) of the Road Traffic Act (Northern Ireland) 1970, 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, if in force immediately before the commencement of this paragraph, have effect as if made under Article 4.

(3) Nothing in this Article or in any order made under it shall prejudice the operation of the Interpretation Act (Northern Ireland) 1954.

Regulations and orders

74.—(1) 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.

(2) Subject to paragraph (3), regulations under this Order and orders under Article 40(6) or 73 shall be subject to negative resolution.

(3) Regulations under Article 39 or regulations which contain any provision made under Article 30(2) shall be subject to affirmative resolution.

(4) Orders under Article 36(3)(b) or 44 shall be subject to affirmative resolution.

(5) In Schedule 3 to the Statutory Rules (Northern Ireland) Order 1979 (statutory rules exempted from requirement as to printing and sale), after paragraph 7 there shall be inserted the following paragraph—

“**7A.** Orders under Article 4, 10, 13, 15, 36(3)(a), 37, 38, 40(2), (3) or (7) or 66 of the Road Traffic Regulation (Northern Ireland) Order 1997”.

Amendments and repeals

75.—(1) The statutory provisions mentioned in Schedule 8 shall have effect subject to the minor and consequential amendments there specified.

(2) The statutory provisions mentioned in Schedule 9 are hereby repealed to the extent specified in the third column of that Schedule.