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STATUTORY INSTRUMENTS

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**1997 No. 276**

**The Road Traffic Regulation (Northern Ireland) Order 1997**

**PART V**

**TRAFFIC SIGNS**

**Traffic signs**

**28.**—(1) In this Order “traffic sign” means any object or device (whether fixed or portable or attached to a vehicle) for conveying to traffic on roads warnings, information, requirements, restrictions or prohibitions of any description prescribed or authorised by the Department and any line or mark on a road for so conveying such warnings, information, requirements, restrictions or prohibitions.

(2) Traffic signs shall be of the prescribed size, colour and type except where the Department authorises the erection or retention of a sign of another character; and for the purposes of this paragraph, illumination, whether by lighting or by the use of reflectors or reflecting material, or the absence of such illumination, shall be part of the type or character of a sign.

(3) Regulations may require equipment used in connection with traffic signs to be of a type approved by the Department.

(4) Regulations or any authorisation under paragraph (2) may provide that Article 50 of the Order of 1995 shall apply to signs of a type specified in that behalf by the regulations or, as the case may be, to the sign to which the authorisation relates.

(5) Regulations may provide for this Part to apply to traffic mirrors as it applies to traffic signs, subject to such modifications as the Department considers necessary or expedient.

**Power to provide signs**

**29.**—(1) The Department may provide traffic signs on or near any public road.

(2) The Department may provide on or near any road in the vicinity of a public road such traffic signs as appear to the Department to be necessary for the control of traffic entering or leaving that public road.

(3) The Department may, subject to such conditions as it thinks fit, authorise the provision of traffic signs on or near a public road by a person other than the Department.

(4) The Department may enter into an agreement with any person for the provision of traffic signs on or near a public road by the Department on terms that that person pays the whole or part of the expenses incurred by the Department.

(5) Where a road is maintainable by a person other than the Department, that person or the Department with the consent of that person may provide traffic signs on or near that road.

(6) The Department may alter or remove any traffic sign provided under this Article.

(7) The Department may enter on any land for the purposes of this Article.

(8) The Department shall pay compensation in respect of any damage done in the exercise of its powers under this Article and any question of disputed compensation shall be referred to and determined by the Lands Tribunal.

(9) In this Article “provide” includes provide on a vehicle, erect and maintain.

### **Warning devices for indicating temporary obstructions**

**30.**—(1) The Department may by regulations under this Article—

- (a) prescribe a type or types of object or device for warning traffic of temporary obstructions on roads (in this Article referred to as a “prescribed warning device”); and
- (b) authorise, subject to such conditions as may be prescribed, persons not otherwise authorised to do so to place a prescribed warning device on a road or any prescribed description of road in such circumstances, in such manner and for such periods as may be prescribed.

(2) The Department may by regulations require, subject to such exceptions as may be prescribed,

- (a) any person owning, driving or having charge or control of a vehicle of any prescribed class or description, to carry, or cause to be carried, a prescribed warning device in or on that vehicle while it is being driven or used on a road; and
- (b) the person driving or in charge of a vehicle mentioned in sub-paragraph (a) to place that warning device on a road in the vicinity of that vehicle in such circumstances, in such manner and for such periods as may be prescribed.

(3) Any constable in uniform may stop and inspect any vehicle for the purpose of ascertaining that any regulations made pursuant to paragraph (2)(a) have been or are being complied with in respect of that vehicle.

(4) Any person who contravenes any requirement imposed under paragraph (2) is guilty of an offence.

### **Warning of danger to traffic**

**31.**—(1) Where works to, on or near any road cause, or are likely to cause, danger to traffic,—

- (a) the person who has entered into a contract or otherwise undertaken to carry out those works shall make available to the person present at and for the time being in charge of carrying out those works such signs or other devices as would, if properly placed, provide adequate warning to traffic of that danger;
- (b) the person present at and for the time being in charge of carrying out those works shall—
  - (i) place and maintain those signs or devices, or cause those signs or devices to be placed and maintained in such manner as to give traffic sufficient warning of that danger; and
  - (ii) remove or cause to be removed those signs or devices as soon as the works have been completed.

(2) For the purposes of paragraph (1), signs or devices which comply with, and are placed in accordance with, such general or other directions as may be given by an authorised officer of the Department shall be deemed to provide adequate warning to traffic.

(3) The works referred to in paragraph (1) do not include street works within the meaning of the Street Works (Northern Ireland) Order 1995.

(4) Any person who without reasonable excuse fails to comply with any requirement of paragraph (1) is guilty of an offence.

### **Power of constable, etc., to place traffic signs**

**32.**—(1) A constable or a person acting under the instructions or directions (whether general or specific) of the Chief Constable may place traffic signs on or near a road for any of the following purposes—

- (a) preventing or mitigating congestion or obstruction of traffic, or danger to or from traffic;
- (b) warning traffic of a temporary obstruction;
- (c) requiring persons to stop under Article 180(1) of the Order of 1981.

(2) The power to place traffic signs conferred by paragraph (1) includes power to cause them to be placed and power to place them on a vehicle used for police purposes.

(3) Article 50 of the Order of 1995 (contravention of traffic signs) shall apply to signs placed in the exercise of the power conferred by this Article.

### **Interference with, or damage to, traffic signs**

**33.** Any person who, not being a person authorised by law to do so, intentionally interferes with or causes damage to a traffic sign is guilty of an offence.

### **Unauthorised signs**

**34.**—(1) Any person who, not being a person authorised to do so by a member of the Royal Ulster Constabulary or otherwise, places or causes to be placed on or near a road—

- (a) any traffic sign; or
- (b) any sign purporting to be, or intended to simulate, a traffic sign,

is guilty of an offence.

(2) A constable who has reasonable cause to believe that a person has committed an offence under paragraph (1) may require that person to remove the sign in respect of which the offence was committed and, if that person refuses or fails to do so, the constable may himself remove it or authorise any other person to remove it.

(3) Any expenses reasonably incurred by a constable in connection with the removal of any sign under paragraph (2) shall be recoverable summarily as a civil debt due to the Police Authority by the person required to remove the sign under that paragraph.

(4) Any person who intentionally obstructs or impedes, or assists another person to obstruct or impede, the removal of a sign under this Article or Article 35 is guilty of an offence.

### **Powers of Department relating to the removal of signs**

**35.**—(1) Where the Department has reasonable cause to believe that a person has committed an offence under Article 34(1), the Department may require that person to remove the sign in respect of which the offence was committed and if he fails or refuses to do so, the Department may remove the sign.

(2) The Department may by notice in writing require the owner or occupier of any land on which there is any object or device (whether fixed or portable) purporting to be for the guidance or direction of persons using a public road to remove it within such period as is specified in the notice.

(3) The period specified in the notice under paragraph (2) shall be—

- (a) five days where the Department considers that the object or device may prejudice the safety of persons using the road;
- (b) not less than 14 days in any other case.

(4) A person on whom a notice under paragraph (2) is served may make representations to the Department in writing within the period specified in accordance with paragraph (3) and the Department may extend the period specified in the notice to enable it to consider his representations.

(5) If the Department is satisfied that the removal of the object or device would cause serious hardship, the Department may authorise its retention on the land subject to any conditions the Department thinks fit to impose.

(6) If the Department is satisfied that the object or device should be removed but that its removal within the period specified in the notice under paragraph (2) would cause serious hardship the Department may extend that period subject to any conditions the Department thinks just.

(7) Where under paragraph (2) a person is required to remove an object or device and fails to do so within the period specified in a notice under paragraph (2) or within any extended period allowed by the Department under paragraph (4) or (6), the Department may enter on the land and remove the object or device.

(8) Any expenses reasonably incurred by the Department in removing a sign under paragraph (1) or (7) shall be recoverable summarily as a civil debt due to the Department by the person required to remove the sign under paragraph (1) or (2).

(9) This Article shall not apply to any object or device—

- (a) in respect of which planning permission under the Planning (Northern Ireland) Order 1991 is, or is deemed to be, granted; or
- (b) which constitutes development within the meaning of the Planning (Interim Development) Act (Northern Ireland) 1944 and was erected with the permission of a planning (N.I.) authority under the Planning Acts (Northern Ireland) 1931 and 1944,

except where the Department considers that the object or device may prejudice the safety of persons using a public road.