
STATUTORY INSTRUMENTS

1997 No. 276

The Road Traffic Regulation (Northern Ireland) Order 1997

PART VI
SPEED LIMITS

General speed limit on restricted roads

36.—(1) Subject to the provisions of this Part, it shall not be lawful for any person to drive a motor vehicle on a restricted road at a speed exceeding 30 miles per hour.

(2) The Department may by order subject to affirmative resolution increase or reduce the speed fixed by paragraph (1) either as originally enacted or as varied under this paragraph.

(3) The Department may by order provide that at times, on days or during periods specified in the order, paragraph (1) shall not apply—

- (a) as respects any length of road specified in the order; or
- (b) generally.

(4) Schedule 5 (which makes further provision relating to orders under paragraph (3)(a) and Articles 37 and 38) shall have effect.

Restricted roads

37.—(1) Subject to the provisions of this Article and Article 38(3), a length of road shall for the purposes of this Order be a restricted road—

- (a) if a system of street lighting furnished by means of lamps placed not more than 185 metres apart is provided on that length of road (not being a special road); or
- (b) if there is in force in relation to that length of road an order under paragraph (3)(a).

(2) The points at which any length of road begins and ceases to be a restricted road—

- (a) as respects such a restricted road as is referred to in paragraph (1)(a), shall be such points, distant not more than 185 metres from the first and last respectively of the lamps by means of which the system of lighting is furnished, as may be indicated by traffic signs;
- (b) as respects such a restricted road as is referred to in paragraph (1)(b), shall be such points as shall be designated in the relevant order.

(3) The Department may by order direct that any length of road specified in the order—

- (a) shall be a restricted road; or
- (b) shall, notwithstanding paragraph (1)(a), not be a restricted road.

(4) The powers conferred by sub-paragraphs (a) and (b) of paragraph (3) are exercisable in respect of any length of road which is already a restricted road by virtue of sub-paragraph (a) or (b) of paragraph (1).

Speed limits on roads other than restricted roads

- 38.**—(1) The Department may by order as respects any road specified in the order prohibit—
- (a) the driving of motor vehicles on that road at a speed exceeding that specified in the order;
 - (b) the driving of motor vehicles on that road at a speed exceeding that specified in the order during periods specified in the order; or
 - (c) the driving of motor vehicles on that road at a speed exceeding the speed for the time being indicated by traffic signs in accordance with the order.
- (2) An order under paragraph (1)(c) may—
- (a) make provision restricting the speeds that may be indicated by traffic signs or the periods during which the indications may be given; and
 - (b) provide for the indications to be given only in such circumstances as may be determined by or under the order.
- (3) While an order under paragraph (1)(a) is in operation as respects any road, that road shall not be a restricted road for the purposes of this Order.

Speed limits for particular classes of vehicles

- 39.**—(1) The Department may make regulations with respect to the maximum speed of motor vehicles of any class specified in the regulations on any class, length or part of road so specified.
- (2) The powers conferred by this Article are in addition to and not in derogation of the powers conferred on the Department by Article 8.

Temporary or experimental speed limits

- 40.**—(1) If the Department is satisfied that it is desirable to do so—
- (a) in the interests of safety; or
 - (b) for the purpose of facilitating the movement of traffic,
- the Department may, subject to paragraph (8), make an order under paragraph (2) or (3).
- (2) The Department may by order prohibit the driving of motor vehicles at a speed greater than that specified in the order on—
- (a) any particular road so specified;
 - (b) all roads in any area so specified;
 - (c) all roads;
 - (d) roads of any class so specified whether in a particular area or generally; or
 - (e) all roads other than roads of a class so specified.
- (3) The Department may by order prohibit the driving of motor vehicles at a speed less than that specified in the order on any road so specified, subject to such exceptions as may be so specified.
- (4) Without prejudice to section 17(5) of the Interpretation Act (Northern Ireland) 1954, any prohibition imposed by an order under paragraph (2) or (3) may be imposed—
- (a) either generally or at times, on days or during periods specified in the order;
 - (b) on the speed of vehicles generally or of any class or description of vehicles specified in the order on any length or portion of the carriageway so specified.
- (5) Subject to paragraphs (6) and (7), an order under paragraph (2) or (3) shall, unless previously revoked, cease to be in force on the expiration of 18 months from the date on which it came into operation.

(6) The Department may by order continue in force for a period specified in the order or indefinitely the provisions of any order under paragraph (2) or (3).

(7) Where the Department proposes to make an order under paragraph (6), it may by order under this paragraph continue in force the provisions of any order under paragraph (2) or (3) for a period not exceeding two years from the date on which those provisions first came into operation (whether as provisions of that or a previous order under paragraph (2) or (3)).

(8) Before making an order under paragraph (2) or (3) or (7), the Department shall give public notice of its intention to do so (including publication of a notice in at least one newspaper circulating in the area to which the order applies).

(9) An order under paragraph (2) or (3) shall not operate to increase any maximum or minimum speed limit imposed under any other enactment (including any other provision of this Order) with respect to roads, motor vehicles or the drivers of motor vehicles.

Traffic signs for indicating speed restrictions

41.—(1) For the purpose of securing that adequate guidance is given to drivers of motor vehicles as to whether any, and if so what, limit of speed is to be observed on any road, the Department shall erect and maintain traffic signs in such positions as may be requisite for that purpose.

(2) For the purpose mentioned in paragraph (1), the Department may enter and erect and maintain traffic signs on a road which is not a public road; and the Department shall pay compensation in respect of any damage done in the exercise of its functions under this paragraph.

(3) Any question of disputed compensation under paragraph (2) shall be referred to and determined by the Lands Tribunal.

Exemption for fire engines, etc.

42.—(1) No enactment imposing a speed limit on motor vehicles shall apply to any vehicle on an occasion when it is being used for fire brigade, ambulance, police, military or customs purposes, if compliance with that provision would be likely to hinder the use of the vehicle on that occasion for any of those purposes.

(2) In paragraph (1) the reference to ambulance purposes includes a reference to the purposes of a mobile coronary care unit.

(3) Nothing in this Article shall affect any civil claim for injury or damage to person or property.

Contravening speed limit

43.—(1) Subject to paragraphs (2) and (3), any person who contravenes a speed limit fixed by or under any enactment (including this Part) is guilty of an offence.

(2) Where a restricted road leads directly into or out of an unrestricted road which is a public road, it shall be a good defence for any person charged with an offence under this Article for exceeding the speed limit applicable to the restricted road to prove that he entered on the restricted road from the unrestricted road and that at the time when he did so adequate guidance was not given by means of traffic signs required to be erected under Article 41 as to the place where the restriction began.

(3) It shall be a good defence for a person charged with an offence under this Article for contravening an order under Article 38 or 40 to prove that he entered on the road on which the offence is alleged to have been committed from a road on which no speed limit was in force or in respect of which a different speed limit was in force and that at the time of his entry he did not know and had no reasonable means of knowing that a speed limit was in force in respect of the road on which he entered.

(4) In any proceedings for an offence committed in contravention of Article 36 a certificate of an officer of the Department stating that a system of street lighting furnished by means of lamps placed not more than 185 metres apart was at the time when the offence is alleged to have been committed provided on any length of road specified in the certificate shall be evidence of the facts certified, and a document purporting to be such a certificate and to be signed by such an officer shall be deemed to be such a certificate unless the contrary is shown.

(5) If—

- (a) a person who employs another person to drive a motor vehicle gives any direction under which any journey is to be completed within some specified time; and
- (b) it is not practicable in the circumstances of the case at the time of the giving of the direction for that journey to be completed in the specified time without contravening a speed limit as mentioned in paragraph (1),

the giving of the direction shall be received as prima facie evidence that the employer procured or, as the case may be, incited the person employed by him to drive the vehicle to contravene that speed limit.