

SCHEDULES

SCHEDULE 8

AMENDMENTS

The Road Traffic (Northern Ireland) Order 1995 (NI 18)

17. In Article 2(2) (interpretation)—

- (a) in the definition of “the Road Traffic Orders”, for “and the Order of 1981” substitute “the Order of 1981 and the Road Traffic Regulation (Northern Ireland) Order 1997”;
- (b) in the definition of “traffic sign”, for the words from “means” to the end substitute “has the meaning assigned to it by Article 28 of the Road Traffic Regulation (Northern Ireland) Order 1997”.

18. For Article 49 (contravention of traffic directions or traffic signs) substitute the following Article—

“Contravention of directions

49.—(1) If a person, without reasonable excuse, contravenes a direction given by a constable in uniform carrying out functions under the Road Traffic Orders, he is guilty of an offence.

(2) A constable in uniform giving a direction for the purposes of a traffic survey of any description which is carried out on or in the vicinity of a road shall be deemed for the purposes of paragraph (1) to be carrying out functions under the Orders referred to in paragraph (1).

(3) The power to give a direction for the purposes of a traffic survey shall be so exercised as not to cause any unreasonable delay to a person who indicates that he is unwilling to furnish any information for the purposes of the survey.

(4) In paragraphs (2) and (3) “direction” means a direction—

- (a) to stop a vehicle;
- (b) to make it proceed in, or keep to, a particular line of traffic; or
- (c) to make it proceed to a particular point on or near the road on which the vehicle is being driven or propelled,

but does not include a direction requiring any person to furnish any information for the purposes of a traffic survey.”.

19. For Article 50 (traffic directions for purposes of traffic surveys) substitute the following Article—

“Contravention of traffic signs

50.—(1) If a person, without reasonable excuse, contravenes an indication given by a traffic sign which is—

- (a) of the prescribed size, colour and type, or

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(b) of another character authorised by the Department under Article 28 of the Road Traffic Regulation (Northern Ireland) Order 1997,

and which has been lawfully placed on or near a road, except where that indication is at variance with an indication given by a constable in uniform, he is guilty of an offence.

(2) A traffic sign shall not be treated for the purposes of this Article as having been lawfully placed unless either—

(a) the indication given by the sign is an indication of a statutory prohibition, restriction or requirement, or

(b) it is expressly provided by or under any provision of the Road Traffic Orders that this Article shall apply to the sign or to signs of a type of which the sign is one;

and, where the indication mentioned in sub-paragraph (a) is of the general nature only of the prohibition, restriction or requirement to which the sign relates, a person shall not be convicted of failure to comply with the indication unless he has failed to comply with the prohibition, restriction or requirement to which the sign relates.

(3) For the purposes of this Article a traffic sign placed on or near a road shall be deemed—

(a) to be of the prescribed size, colour and type, or of another character authorised by the Department under Article 28 of the Road Traffic Regulation (Northern Ireland) Order 1997, and

(b) (subject to paragraph (2)) to have been lawfully so placed,

unless the contrary is proved.

(4) Where a traffic survey of any description is carried out on or in the vicinity of a road, this Article applies to a traffic sign by which a direction (as defined in Article 49(4)) is given for the purposes of the survey.

(5) The Department may make regulations specifying any traffic sign for the purposes of column (5) of the entry in Schedule 1 to the Offenders Order relating to offences under this Article (offences committed by contravention of certain traffic signs involve discretionary disqualification).”.

20. In Article 76 (inspection of public passenger vehicles and goods vehicles), after paragraph (6) there shall be added the following paragraphs—

“(7) A vehicle examiner or member of the Royal Ulster Constabulary may place traffic signs on or near a road for the purposes of this Article.

(8) Article 50 shall apply to traffic signs placed under paragraph (7) and the power to place traffic signs conferred by that paragraph includes power to place them on a vehicle used by the Department or for police purposes.”.