

SCHEDULES

SCHEDULE 8

Article 75(1).

AMENDMENTS

The Transport Act (Northern Ireland) 1967 (c. 37)

1. In section 66 (safety arrangements at level crossings)—
 - (a) in subsection (3)(iii), for “Article 122 of the Road Traffic (Northern Ireland) Order 1981” substitute “Article 58 of the Road Traffic Regulation (Northern Ireland) Order 1997”;
 - (b) in subsection (9), in the definition of “traffic sign”, for “Road Traffic (Northern Ireland) Order 1981” substitute “Road Traffic Regulation (Northern Ireland) Order 1997”.

The Land Acquisition and Compensation (Northern Ireland) Order 1973 (NI 21)

2. In Article 22(7) (sound-proofing of buildings affected by public works), for “Part III of the Road Traffic (Northern Ireland) Order 1981” substitute “Part III of the Road Traffic Regulation (Northern Ireland) Order 1997”.

The Chronically Sick and Disabled Persons (Northern Ireland) Act 1978 (c. 53)

3. In section 14(1)(b), for “Article 21 or 107 of the Road Traffic (Northern Ireland) Order 1981” substitute “Article 4 or 15 of the Road Traffic Regulation (Northern Ireland) Order 1997”.

The Road Traffic (Northern Ireland) Order 1981 (NI 1)

4. In Article 2(2) (interpretation), in the definition of “the Road Traffic Orders”—
 - (a) omit “and”; and
 - (b) after “1995” add “and the Road Traffic Regulation (Northern Ireland) Order 1997”.
5. In Article 120 (employment of traffic wardens for purposes of certain Articles), for “Article 118(1)” substitute “Article 44(1) of the Road Traffic Regulation (Northern Ireland) Order 1997”.
- 6.—(1) In Article 177 (identification of drivers or owners of, and passengers in, vehicles), after “under” where it first occurs insert “section 14 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978 or”.
(2) In paragraph (2) of that Article (inserted by paragraph 20(2) of Schedule 3 to the Road Traffic Offenders (Northern Ireland) Order 1996),—
 - (a) at the end of sub-paragraph (c) omit “and”; and
 - (b) at the end of sub-paragraph (d) add
“and
(e) an offence under section 14 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978.”.
7. In Article 198(1) (offences to which Articles 199 to 204 apply)—

- (a) in sub-paragraph (c), for “107” substitute “15 of the Road Traffic Regulation (Northern Ireland) Order 1997”;
 - (b) in sub-paragraph (e), after “III” insert “of the Road Traffic Regulation (Northern Ireland) Order 1997”.
8. In Article 214(1) (application to the Crown), after “regulation” insert “or order”.

The Planning (Northern Ireland) Order 1991 (NI 11)

9. In Article 100 (orders extinguishing right to use vehicle on road), in paragraphs (5) and (9), for “Road Traffic (Northern Ireland) Order 1981” substitute “Road Traffic Regulation (Northern Ireland) Order 1997”.

The Electricity (Northern Ireland) Order 1992 (NI 1)

10. In Schedule 4 (other powers, etc., of licence holders), in paragraph 2(9), for “Article 124 of the Road Traffic (Northern Ireland) Order 1981” substitute “Article 31 of the Road Traffic Regulation (Northern Ireland) Order 1997”.

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

11. In Article 5(1)(e) (diversion of navigable watercourses), for “Article 104(1) of the Road Traffic Order” substitute “Article 10 of the Road Traffic Regulation (Northern Ireland) Order 1997”.

12. In Article 24(2)(b) (exercise of road functions by concessionaire), for “Orders 1981 and 1995” substitute “Order 1995 and the Road Traffic Regulation (Northern Ireland) Order 1997”.

13. In Article 25 (provisions as to traffic regulation)—

- (a) in paragraph (1) for “Road Traffic Order” substitute “Road Traffic Regulation (Northern Ireland) Order 1997 (in this Article referred to as “the Regulation Order”);
- (b) in paragraph (2), for “Road Traffic Order” substitute “Regulation Order”;
- (c) in paragraph (3), for “Road Traffic Order” substitute “Regulation Order”;
- (d) in paragraph (4), for “Article 24 or 25 of the Road Traffic Order” substitute “Article 7 of the Regulation Order”;
- (e) in paragraph (5), for “Articles 24, 25 and 26 of the Road Traffic Order” substitute “Article 7 of, and Schedule 3 to, the Regulation Order”;
- (f) in paragraph (7), for “Article 24 or 25 of the Road Traffic Order” substitute “Article 7 of the Regulation Order”.

14. In Article 65(6) (road humps and other traffic calming works), in the definition of “motor vehicle”, for “Road Traffic Order” substitute “Road Traffic Regulation (Northern Ireland) Order 1997”.

15. In Article 110(2)(b)(iii) (acquisition of land), for “Article 104(1) of the Road Traffic Order” substitute “Article 10 of the Road Traffic Regulation (Northern Ireland) Order 1997”.

The Litter (Northern Ireland) Order 1994 (NI 10)

16. In Article 8 (roads: supplementary provisions)—

- (a) in paragraph (2), for “Article 24(1) or 25(1) of the Road Traffic (Northern Ireland) Order 1981 (temporary prohibition or restriction of traffic)” substitute “Article 7 of the Road Traffic Regulation (Northern Ireland) Order 1997 (temporary traffic regulation)”;

- (b) in paragraph (5) for “Road Traffic (Northern Ireland) Order 1981” substitute “Road Traffic Regulation (Northern Ireland) Order 1997”;
- (c) in paragraph (10), for the words from “has the meaning” to the end substitute “, “parking place” and “traffic sign” have the same meanings as in the Road Traffic Regulation (Northern Ireland) Order 1997”.

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
- (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.”.

The Street Works (Northern Ireland) Order 1995 (NI 19)

21. In Article 2(2) (general interpretation), in the definition of “traffic” and “traffic sign”, for “Road Traffic (Northern Ireland) Order 1981” substitute “Road Traffic Regulation (Northern Ireland) Order 1997”.

22. In Article 5(1)(b) (works for road purposes), for “65” substitute “65A”.

23. In Article 36(1) (liability for cost of temporary traffic regulation), for “Article 25 of the Road Traffic (Northern Ireland) Order 1981” substitute “Article 7 of the Road Traffic Regulation (Northern Ireland) Order 1997”.

The Road Traffic Offenders (Northern Ireland) Order 1996 (NI 10)

24. In Article 2(2) (interpretation), in the definition of “the Road Traffic Orders”, for “and this Order” substitute “this Order and the Road Traffic Regulation (Northern Ireland) Order 1997”.

25. In Article 5(4) (requirement of warning etc. of prosecutions for certain offences)—

- (a) in sub-paragraph (a), for the words from “either” to the end substitute “Article 43 of the Road Traffic Regulation (Northern Ireland) Order 1997 (contravening speed limit)”;
- (b) in sub-paragraph (b)(vi), after “49” insert “or 50”;
- (c) in sub-paragraph (c), for “Order of 1981” substitute “Road Traffic Regulation (Northern Ireland) Order 1997”.

26. In Article 15(a) (proof in summary proceedings of identity of driver of vehicle), after “Article 177 of that Order” insert “or Article 14(8) of the Road Traffic Regulation (Northern Ireland) Order 1997”.

27. In Article 23(2) (speeding offences etc.: admissibility of certain evidence)—

- (a) for the words from “Article 155” in sub-paragraph (a) to the end of sub-paragraph (b) substitute “Article 43 of the Road Traffic Regulation (Northern Ireland) Order 1997 (contravening speed limit)”;
- (b) in sub-paragraph (c), for “49” substitute “50”.

28. In Article 90(1) (functions of traffic wardens), for “Article 118 of the Order of 1981” substitute “Article 44 of the Road Traffic Regulation (Northern Ireland) Order 1997”.

29. In Part I of Schedule 1 (prosecution and punishment of offences) in the entry relating to offences under Article 49 of the Order of 1995, for the entry in column (2) substitute “Contravention of directions”.