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STATUTORY INSTRUMENTS

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**2005 No. 1964**

**The Traffic Management (Northern Ireland) Order 2005**

*Introductory*

**Interpretation**

2.—(1) Subject to Article 45, the Interpretation Act (Northern Ireland) 1954 (c. 33) applies to this Order as it applies to an Act of the Assembly.

(2) In this Order—

“1997 Order” means the Road Traffic Regulation (Northern Ireland) Order 1997 (NI 2);

“adjudicator” means a person appointed under Article 29;

“charge certificate” means a statement under Article 14(2);

“the Department” means the Department for Regional Development;

“disabled person's badge” means—

(a) a badge issued, or having effect as if issued, under section 14 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978 (c. 53); or

(b) a recognised badge within the meaning given by section 14A of that Act;

[<sup>F1</sup>enforcement authority” means—

(a) in relation to an offence under Article 14(1) of the 1997 Order to which Schedule 1 applies which is committed in relation to an off- street parking place (other than one operated as a “park and ride” or “park and share” parking place), the council for the district in which the off-street parking place is situated;

(b) in relation to any other offence to which Schedule 1 applies, the Department.]

“fixed penalty notice” has the meaning given by Article 58 of the Road Traffic Offenders (Northern Ireland) Order 1996 (NI 10);

“hiring agreement” has the meaning given by Article 71(8) of the Road Traffic Offenders (Northern Ireland) Order 1996 (NI 10);

“immobilisation device” means any device or appliance which is—

(a) designed or adapted to be fixed to a vehicle for the purpose of preventing it from being driven or otherwise put in motion; and

(b) of a type approved by the Department for use for that purpose;

“notice to owner” has the meaning given by Article 6(1);

“notice of rejection” means—

(a) a notice under Article 9(4)(b) that the [<sup>F2</sup>enforcement authority] does not accept that a ground mentioned in Article 9(2) has been established; or

(b) a notice under Article 25(5)(b) that the [<sup>F2</sup>enforcement authority] does not accept that a ground mentioned in Article 25(4) has been established;

[<sup>F3</sup>“off-street parking place” has the meaning given by Article 2(2) of the 1997 Order;]

“owner”, in relation to a vehicle, means (subject to paragraph (3)) the person by whom the vehicle is kept, which in the case of a vehicle registered under the Vehicle Excise and Registration Act 1994 (c. 22) is presumed (unless the contrary is proved) to be the person in whose name the vehicle is registered;

“parking device” has the same meaning as in Article 13 or 21 of the 1997 Order;

“parking place” means a parking place (within the meaning given by Article 2(2) of the 1997 Order) which is—

(a) provided under Article 10 or 11 of the 1997 Order; or

(b) designated by an order under Article 15 of that Order;

“penalty charge notice” means a notice under Article 5 or 7;

“prescribed” means prescribed by regulations made by the Department;

“prescribed device” means a device of a description prescribed under Article 8(1)(a);

“public road” means a public road (within the meaning given by Article 2(2) of the 1997 Order) which is not a special road;

“special road” has the meaning given by Article 2(2) of the Roads (Northern Ireland) Order 1993 (NI 15);

“statutory declaration” means a declaration made by virtue of the Statutory Declarations Act 1835 (c. 62);

“statutory provision” has the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954;

“traffic attendant” shall be construed in accordance with Article 3;

“vehicle-hire firm” means any person engaged in hiring vehicles in the course of a business.

(3) The Department may by regulations provide for prescribed references in this Order to the owner of a vehicle to be construed as, or as including, references to a person prescribed under Article 4(1)(b).

(4) In determining for the purposes of any provision of this Order whether a penalty charge or other amount has been paid before the end of a particular period, it shall be taken to have been paid when it is received by the [F<sup>4</sup>enforcement authority] .

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| <b>F1</b> | Words in art. 2(2) inserted (1.4.2015) by <a href="#">Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), art. 1(8), Sch. para. 6(2)(a)</a>    |
| <b>F2</b> | Words in art. 2(2) substituted (1.4.2015) by <a href="#">Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), art. 1(8), Sch. para. 6(2)(b)</a> |
| <b>F3</b> | Words in art. 2(2) inserted (1.4.2015) by <a href="#">Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), art. 1(8), Sch. para. 6(2)(c)</a>    |
| <b>F4</b> | Words in art. 2(4) substituted (1.4.2015) by <a href="#">Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), art. 1(8), Sch. para. 6(3)</a>    |

**Changes to legislation:**

There are currently no known outstanding effects for the The Traffic Management (Northern Ireland) Order 2005, Section 2.