

## 1988 No. 309

## ROAD TRAFFIC AND VEHICLES

**Road Traffic (Fixed Penalty) (Extension No. 2)  
Order (Northern Ireland) 1988**

*Made* . . . . . 22nd August 1988

*Coming into operation* . . . . . 17th October 1988

The Department of the Environment in exercise of the powers conferred on it by Article 198(1)(d) of the Road Traffic (Northern Ireland) Order 1981(a) (in this Order referred to as "the Order") and of all other powers enabling it in that behalf, makes the following Order:

*Citation and commencement*

1. This Order may be cited as the Road Traffic (Fixed Penalty) (Extension No. 2) Order (Northern Ireland) 1988 and shall come into operation on 17th October 1988.

*Application*

2. The use of a vehicle as described in column 2 of the Schedule in contravention of the regulation in relation thereto in column 3 is specified as an offence for the purposes of Article 198(1)(d) of the Order.

Sealed with the Official Seal of the Department of the Environment on  
22nd August 1988.

(L.S.)

*A. Miller*

Assistant Secretary

## SCHEDULE

## Uses of Vehicles in Contravention of Article 29 of the Order

| Column 1<br><br><i>Item No.</i> | Column 2<br><br><i>Specified Uses</i>  | Column 3<br><br><i>Relevant Regulations Motor Vehicle (Construction and Use) Regulations (Northern Ireland) 1976(a)</i> |
|---------------------------------|--|---|
| 1.                              | <b><i>Negligent use of a vehicle</i></b><br>Driving in such a position that one cannot have proper control of the vehicle or that one cannot retain a full view of the road and traffic ahead. | regulation 107  |
| 2.                              | Reversing for an unsafe or unreasonable distance.  | regulation 108  |
| 3.                              | Leaving vehicle unattended with engine not stopped and relevant parking brake not effectively set.   | regulation 110  |
| 4.                              | Opening door so as to cause injury or danger to any person.  | regulation 111  |
| 5.                              | <b><i>Use of vehicle not equipped with plates</i></b><br>Certain vehicles not equipped with securely affixed plates, etc.  | regulation 38(b)  |
| 6. (a)                          | <b><i>Use relating to length and width</i></b><br>Exceeding permitted length (certain vehicles and trailers).  | regulation 10(c)  |
| (b)                             | Exceeding permitted width (locomotive).  | regulation 41   |
| (c)                             | Exceeding permitted width (motor tractor).   | regulation 46   |
| (d)                             | Exceeding permitted width (heavy motor car).   | regulation 50   |
| (e)                             | Exceeding permitted width (motor car).   | regulation 55   |
| (f)                             | Exceeding permitted width (invalid carriage).  | regulation 63   |
| (g)                             | Exceeding permitted width (certain trailers).  | regulation 67   |
| (h)                             | Exceeding permitted overhang (motor tractor).  | regulation 47   |
| (i)                             | Exceeding permitted overhang (heavy motor car).  | regulation 51   |
| (j)                             | Exceeding permitted overhang (motor car).  | regulation 56   |

(a) S.R. 1976 No. 320

(b) As amended by S.R. 1983 No. 62

(c) As substituted and amended by S.Rs. 1983 No. 62 and No. 137

| <i>Use of vehicle or part in dangerous or defective condition</i> |   |                             |
|---|---|-----------------------------|
| 7. (a)  | Mud-guards not fitted (heavy motor car).  | regulation 54               |
| (b)   | Mud-guards not fitted (motor car).  | regulation 59               |
| (c)   | Mud-guards not fitted (invalid carriage).   | regulation 65               |
| (d)   | Mud-guards not fitted (trailer).  | regulation 71               |
| 8.  | Suitable and sufficient springs not fitted.   | regulation 12               |
| 9.  | Required anchorage points not provided.   | regulation 17(a)            |
| 10.   | Required seat belts not fitted.   | regulation 17A(a)           |
| 11.   | Adequate speedometer not fitted.  | regulation 18               |
| 12.   | Vehicle not equipped with mirrors.  | regulation 23(1)            |
| 13.   | Internal mirror inadequately framed.  | regulation 23(3)            |
| 14.   | Safety glass not fitted to windscreens and all windows.                             | regulation 24               |
| 15.   | Efficient automatic windscreen wipers not fitted.                                   | regulation 25(1)            |
| 16.   | Efficient windscreen washers not fitted.  | regulation 26               |
| 17.   | Audible horn not fitted.  | regulation 27(1)(b)         |
| 18.   | Sound emitted by audible warning instrument strident or not continuous and uniform. | regulation 27(3)            |
| 19.   | A two tone horn, etc., fitted.  | regulation 27(4)            |
| 20.   | Emitting avoidable smoke or visible vapour, etc.                                    | regulations 31-33 and 35(b) |
| 21.   | Failure of certain trailers to have a minimum ground clearance.                     | regulation 67A(c)           |
| 22.   | Braking systems not maintained.   | regulation 91               |
| 23.   | Exceeding the height limit of certain semi-trailers.                                | regulation 85A(d)           |
| 24.   | Speedometer not maintained in good working order and free from obstruction.         | regulation 88               |
| 25.   | All glass or transparent material not kept clean.                                   | regulation 90               |

(a) As substituted by S.R. 1987 No. 227

(b) As amended by S.R. 1978 No. 208

(c) As inserted by S.R. 1983 No. 137

(d) As inserted by S.R. 1983 No. 62

|  |   |                             |
|--|---|-----------------------------|
| 26.                                    | All steering gear not maintained and properly adjusted.   | regulation 92(1)            |
| 27.                                    | Windscreen wipers not maintained and properly adjusted.   | regulation 92(2)            |
| 28.                                    | Seat belt fittings and anchorage points not properly maintained.                                | regulation 92A(a)           |
| 29.                                    | Petrol tanks not maintained secure and leakproof.   | regulation 93               |
| 30.                                    | Tyres defective etc.  | regulations 95(b) and 96(c) |
| 31.                                    | An excess fuel device not maintained on a diesel engine.  | regulation 99               |
| 32.                                    | Carrying mascot in any position liable to cause injury to any person.                           | regulation 125              |
| 33.                                    | Certain trailers not maintained so as to have minimum ground clearance.                         | regulation 128A(d)          |
| <i>Use relating to noise</i>           |   |                             |
| 34.                                    | Silencer expansion chamber or similar contrivance not fitted.                                   | regulation 28               |
| 35.                                    | Silencer, expansion chamber or similar contrivance unsuitable or insufficient.                  | regulation 94(2)            |
| 36.                                    | Causing excessive noise.  | regulations 102 and 103     |
| 37.                                    | Failure to stop engine when vehicle is stationary otherwise than through enforced stoppage.     | regulation 105              |
| 38.                                    | Sounding horn when vehicle is stationary.   | regulation 106              |
| <i>Use relating to weight and load</i> |   |                             |
| 39. (a)                                | Exceeding permitted laden weight (locomotive).  | regulation 73               |
| (b)                                    | Exceeding permitted laden weight (trailer drawn by locomotive).                                 | regulation 74               |
| (c)                                    | Exceeding permitted laden weight (heavy motor car or motor car being a public service vehicle). | regulation 75               |

(a) As substituted by S.R. 1982 No. 336

(b) As substituted by S.R. 1983 No. 389

(c) As amended by S.R. 1978 No. 208

(d) As inserted by S.R. 1983 No. 137

|     |  |                             |
|-----|--|-----------------------------|
| (d) | Exceeding permitted laden weight (trailer).  | regulation 77(a)            |
| (e) | Exceeding permitted laden weight (vehicle and trailer).  | regulation 78(b)            |
| (f) | Exceeding permitted laden weight (articulated vehicle).  | regulation 79               |
| 40. | Exceeding permitted laden weight, etc., of certain articulated vehicles.   | regulation 82(b)            |
| 41. | Exceeding permitted total weights for certain closely spaced axles, etc.   | regulation 83(c)            |
| 42. | Exceeding permitted wheel and axle weights for certain vehicles.   | regulation 84(b)            |
| 43. | Carrying load including passengers in a dangerous manner, etc.   | regulation 87(1) and (2)(a) |
| 44. | Using for any purpose which is unsuitable or likely to cause danger or nuisance to any person.                               | regulation 87(3)(a)         |
| 45. | Leaking contents of lavatories, etc., on to a road.  | regulation 101              |
| 46. | Non-compliance with restrictions on the use of vehicles carrying wide or long loads or having fixed appliances or apparatus. | regulation 124(a)           |
| 47. | Non-compliance with restrictions on distance between motor vehicles and trailers and marking of trailer connections.         | regulation 114              |
|     | <i>Use relating to trailers</i>  |                             |
| 48. | Non-compliance with restrictions as to weight or width of a motor cycle trailer.   | regulation 117              |
| 49. | Drawing more than permitted number of trailers.  | regulation 129              |
| 50. | Straddle carrier or invalid carriage drawing a trailer.  | regulation 118              |
| 51. | Trailer used for the conveyance of passengers for hire or reward.  | regulation 119              |
|     | <i>Use relating to motor cycles</i>  |                             |
| 52. | Mud-guards not fitted.   | regulation 62               |
| 53. | Suitable supports or foot rests not fitted.  | regulation 122              |

(a) As substituted and amended by S.R. 1978 No. 208

(b) As substituted and amended by S.R. 1983 No. 62

(c) As substituted and amended by S.R. 1978 No. 208 and S.R. 1983 No. 62

| <i>Miscellaneous uses</i> |  |   |
|---------------------------|--|---|
| 54.                       | Motor vehicle not equipped with prescribed braking system.   | regulation 13   |
| 55.                       | Certain goods vehicles not equipped with required means of rear underrun protection.   | regulation 40A(a)   |
| 56.                       | Certain semi-trailers not fitted with required sideguards.   | regulation 40B(b)   |
| 57.                       | Certain goods vehicles not fitted with required sideguards.  | regulation 40C(a)   |
| 58.                       | Rear underrun protective device, etc., of certain goods vehicles not maintained.   | regulation 93A(c)   |
| 59.                       | Sideguards on certain semi-trailers and goods vehicles not maintained.   | regulation 93B(c)   |
|                           |  | <i>Motor Vehicles (Direction Indicators and Stop Lights) Regulations (Northern Ireland) 1968(d)</i> |
| 60.                       | Indicators, when in operation, not showing a flashing amber light.   | regulation 4(3)   |
| 61.                       | Stop lights, when in operation, not showing a steady red or amber light.   | regulation 5  |
|                           |  | <i>Road Vehicles (Rear Fog Lamps) Regulations (Northern Ireland) 1979(e)</i>                        |
| 62.                       | Using rear fog lamps except in adverse conditions and <ul style="list-style-type: none"> <li>(i) when the vehicle is in motion,</li> <li>(ii) during an enforced stoppage of the vehicle,</li> <li>(iii) when the vehicle is stopped to enable passengers to board or alight from it, or</li> <li>(iv) when the vehicle is being used for ambulance, fire brigade or police purposes.</li> </ul> | regulation 8  |

(a) As inserted and amended by S.Rs. 1983 No. 62 and No. 137

(b) As inserted and amended by S.Rs. 1983 No. 62, No. 137 and No. 389

(c) As inserted by S.R. 1983 No. 62

(d) S.R. &amp; O. (N.I.) 1968 No. 93

(e) S.R. 1979 No. 65; to which there is an amendment not relevant to this Order

## EXPLANATORY NOTE

*(This note is not part of the Order.)*

This Order specifies offences relating to uses of a vehicle or trailer in contravention of Article 29 of the Road Traffic (Northern Ireland) Order 1981 (the 1981 Order) as offences to which Articles 199 to 204 apply. Any liability to conviction for an offence may be discharged by the payment of a fixed penalty.

The uses are specified in the Schedule and fall into the following 9 groups—

- (a) negligent use of a motor vehicle e.g. driving while not having proper control of the vehicle, reversing for an unreasonable distance, leaving vehicle unattended with engine not stopped and relevant parking brake not effectively set or opening a door so as to cause injury or danger to any person (see items 1-4 of the Schedule);
- (b) use of a vehicle not equipped with plates (see item 5 of the Schedule);
- (c) use relating to length and width, e.g. exceeding permitted length, width or overhang (see item 6 of the Schedule);
- (d) use of a vehicle or part in dangerous or defective condition e.g., mud guards not fitted, not having adequate seat belts, speedometer, efficient windscreen wipers, or audible horn fitted or petrol tank not secure or leakproof (see items 7-33 of the Schedule);
- (e) use relating to noise e.g., not having a silencer fitted, causing unnecessary or excessive noise or sounding horn when vehicle is stationary (see items 34-38 of the Schedule);
- (f) use relating to load e.g., exceeding permitted laden weight or carrying load including passengers in a dangerous manner, etc. (see items 39-47 of the Schedule);
- (g) use relating to trailers e.g., non-compliance with restrictions as to weight or width of a motor cycle trailer, drawing more than the permitted number of trailers or using a trailer for carrying passengers for hire or reward (see items 48-51 of the Schedule);
- (h) use relating to motor cycles e.g., not having mud-guards, suitable supports or foot rests fitted (see items 52 and 53 of the Schedule); and
- (i) miscellaneous uses, e.g., not having a parking brake, semi-trailer not having sideguards fitted, failing to maintain rear underrun protective device or sideguards on certain goods vehicles or semi-trailers, indicators, when in operation not showing a flashing amber light or using rear fog lamps except in adverse conditions and when the vehicle is in motion (see items 54-62 of the Schedule).

The amount of the fixed penalty is provided by Article 203 of the 1981 Order as increased by the Fixed Penalty (Increase) Order (Northern Ireland) 1986 (S.R. 1986 No. 3). It now amounts at the date of coming into operation of this Order to £12 but is subject to review.