
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 145

Passenger and Goods Vehicles (Recording Equipment) Regulations (Northern Ireland) 1996

Inspection of recording equipment and record sheets

7.—(1) In relation to any vehicle to which regulation 3 applies a vehicle examiner⁽¹⁾ may, on production if so required of his authority—

- (a) require any person to produce, and permit him to inspect and copy, any record sheet which is produced by the recording equipment, or on which entries are made, and which that person is required by Article 16(2) of the Community Recording Equipment Regulation to retain or by Article 15(7) of that Regulation to be able to produce;
- (b) at any time, enter the vehicle and inspect the vehicle and the recording equipment, and inspect and copy any record sheet on the vehicle on which a record has been produced by means of that equipment or on which entries have been made; and
- (c) at any time which is reasonable having regard to the circumstances of the case, enter any premises on which he has reason to believe that such a vehicle is kept or that any such record sheets are to be found, and inspect any such vehicle, and inspect and copy any such record sheets which he finds there.

(2) Where a vehicle examiner, in exercise of his powers under paragraph (1)(a), has required a person to produce to him any record sheet, the vehicle examiner may, by notice in writing served on that person, require the record sheet to be produced by him at the office of the Department specified in the notice within such time (not being less than 10 days from the service of the notice) as may be specified therein.

(3) For the purpose of exercising his powers under paragraph (1)(b), a vehicle examiner may detain the vehicle in question during such time as is required for the exercise of that power.

(4) Any person who—

- (a) fails to comply with any requirement under paragraph (1)(a) or (2), or
- (b) obstructs a vehicle examiner in the exercise of his powers under paragraph (1) or (3),

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) Any person who makes, or causes to be made, any record or entry on a record sheet kept or carried for the purposes of the Community Recording Equipment Regulation or regulation 3 which he knows to be false or, with intent to deceive, alters or causes to be altered any such record or entry, shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine or both.

(1) See Article 74(3) and (4) of S.I. 1995 No. 2994 (N.I. 18)

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

(6) If a vehicle examiner has reason to believe that an offence under paragraph (5) has been committed in respect of any record sheet inspected by him under this regulation, he may seize that record sheet; and where a record sheet is seized as aforesaid and within 6 months of the date on which it was seized no person has been charged since that date with an offence in relation to that record sheet under that paragraph and the record sheet has not been returned to the person from whom it was taken, a magistrates' court shall, on application made for the purpose by that person, or by a vehicle examiner, make such order respecting the disposal of the record sheet and award such costs as the justice of the case may require.

(7) The powers conferred by this regulation on a vehicle examiner shall be exercisable also by a constable.

(8) In this regulation references to the inspection and copying of any record produced by recording equipment include references to the application to the record of any process for eliciting the information recorded thereby and to take down the information elicited from it.