
STATUTORY RULES OF NORTHERN IRELAND

2008 No. 494

**The Road Traffic (Northern Ireland) Order
1981 (Retention and Disposal of Seized Motor
Vehicles) Regulations (Northern Ireland) 2008**

Interpretation

2. In these Regulations—

“the 1981 Order” means the Road Traffic (Northern Ireland) Order 1981;

“the 1994 Act” means the Vehicle Excise and Registration Act 1994⁽¹⁾;

“authorised person” means a constable or such other person authorised by the Chief Constable under regulation 3(1);

“certificate of insurance” is to be construed in accordance with Article 92(4) of the 1981 Order;

“laden” means that the vehicle is carrying a load;

“load” means anything other than—

- (a) the body and all parts of the vehicle which are necessary to or ordinarily used with the vehicle when working on a road;
- (b) any water, fuel or accumulators used for the purpose of the supply of power for the propulsion of the vehicle;
- (c) the driver, any passengers and their personal effects;
- (d) a crane, works truck as defined in regulation 2(1) of the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999⁽²⁾, or other special appliance or apparatus which is a permanent or essentially permanent fixture of the vehicle; and
- (e) any containers or other equipment intended or adapted for the purpose of holding or carrying a load by the vehicle;

“MAM” means maximum authorised mass as defined in regulation 2(1) of the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996⁽³⁾

“NI registration mark” means a registration mark issued in relation to a vehicle under the 1994 Act;

“off road” means that no part of the vehicle is in contact with the road;

“on road” means that any part of the vehicle is in contact with the road;

“owner” includes—

- (f) the person by whom, according to the records maintained by the Secretary of State in connection with any functions exercisable by him by virtue of the 1994 Act, the vehicle is kept and used;

⁽¹⁾ 1994 c.22

⁽²⁾ SR 1999/454 to which there are amendments not relevant to these Regulations

⁽³⁾ SR 1996/542 to which there are amendments not relevant to these Regulations

(g) in relation to a vehicle which is the subject of a hiring agreement or a hire-purchase agreement, the person entitled to possession of the vehicle under the agreement;

“the register” means the register maintained by the Secretary of State under Part 2 of the 1994 Act;

“registered keeper”, in relation to a motor vehicle, means the person in whose name the vehicle is registered under the 1994 Act;

“relevant motor vehicle” means a motor vehicle which has been seized and removed under Article 180B of the 1981 Order;

“road” includes a public road and any street, carriageway, highway or roadway to which the public has access;

“seizure notice” means a notice complying with regulation 4;

“substantially damaged” means such damage to a vehicle that in the reasonable opinion of a constable it cannot be driven safely on the road;

“two wheeled vehicle” means a mechanically propelled vehicle constructed or adapted to have two wheels or less and the MAM of which does not exceed 3.5 tonnes;

“unladen” means that the vehicle is not carrying a load;

“valid licence” means a licence to drive a motor vehicle granted under Part II of the 1981 Order, a Community licence, an exchangeable licence or a Great Britain driving licence, and for this purpose the terms “Community licence” and “exchangeable licence” have the same meaning as given in Article 19D of the 1981 Order;

“working days” shall be taken to exclude Saturdays, Sundays, Christmas Day and any day which, under the Banking and Financial Dealings Act 1971(4) is a bank holiday in Northern Ireland.