
STATUTORY INSTRUMENTS

1995 No. 2994

The Road Traffic (Northern Ireland) Order 1995

PART IV

Miscellaneous Amendments of the Order of 1981

Licensing of motor cyclists

92.—(1) In Article 13 of the Order of 1981 (grant of licences to drive vehicles), in paragraph (3), after sub-paragraph (c), there shall be inserted—

“(d) shall not authorise a person, before he has passed a test of competence to drive, to drive a motor cycle without a sidecar, unless it is a learner motor cycle (as defined in paragraph (5)) or its first use (as defined in regulations) occurred before such date as may be prescribed and the cylinder capacity of its engine does not exceed 125 cubic centimetres.”

(2) For paragraph (5) of that Article there shall be substituted the following paragraphs—

“(5) A learner motor cycle is a motor cycle which either is propelled by electric power or has the following characteristics—

- (a) the cylinder capacity of its engine does not exceed 125 cubic centimetres,
- (b) the maximum power output of its engine does not exceed 11 kilowatts (as measured in accordance with International Standards Organisation standard 4106-1978.09.01), and
- (c) its power the weight ratio does not exceed 100 kilowatts per metric tonne, the power being the maximum power output mentioned in sub-paragraph (b) and the weight that mentioned in paragraph (5A).

(5A) The weight referred to in paragraph (5) is the weight of the motor cycle with a full supply of fuel in its tank, an adequate supply of other liquids needed for its propulsion and no load other than its normal equipment, including loose tools.”

(3) In Article 14 of the Order of 1981 (form of licence)—

- (a) in paragraph (3) immediately after the word “drive” there shall be inserted “(a)”; and
- (b) at the end of that paragraph there shall be added the following—

“or

- (b) unless he has passed a test of competence to drive, a motor cycle without a sidecar which, by virtue of Article 13(3)(d), a provisional licence would not authorise him to drive before he had passed that test.”

Speed limits

93. After Article 50 of the Order of 1981 (general speed limit on certain roads) there shall be inserted the following Article—

“Speed limits for particular classes of vehicles

50A.—(1) The Department may make regulations with respect to—

- (a) the maximum speed of motor vehicles;
- (b) the maximum speed of classes of vehicles while being driven on special roads within the meaning of the Roads (Northern Ireland) Order 1993.

(2) The powers conferred by this Article are in addition to and not in derogation of the powers conferred on the Department by Article 27 and the powers conferred by paragraph (1)(a) shall, without prejudice to section 17(5) of the Interpretation Act (Northern Ireland) 1954(1), include power to make regulations with respect to the maximum speed of motor vehicles of different classes on any class, description, length or part of a road specified in the regulations.”

Disqualification on conviction of dangerous driving, etc.

94. For Article 139 of the Order of 1981 and the words “Reckless, etc., driving” preceding that Article there shall be substituted the following Article—

“Disqualification on conviction of offence under Article 9 or 10 of the Order of 1995

139.—(1) Where a person is convicted of an offence under Article 9 of the Order of 1995 (causing death, or grievous bodily injury, by dangerous driving) the court must order him to be disqualified for holding or obtaining a licence for such period not less than 2 years as the court thinks fit unless the court for special reasons thinks fit to order him to be disqualified for a shorter period or not to order him to be disqualified.

(2) Where a person is convicted of an offence under Article 10 of the Order of 1995 (dangerous driving) the court must order him to be disqualified for holding or obtaining a licence for such period not less than 12 months as the court thinks fit unless the court for special reasons thinks fit to order him to be disqualified for a shorter period or not to order him to be disqualified.”

Alternative convictions on certain charges

95. For Article 140 of the Order of 1981, there shall be substituted the following Article—

“Alternative verdicts

140.—(1) Where—

- (a) a person charged with an offence under a provision of the Order of 1995 specified in the first column of the Table below (where the general nature of the offences is also indicated) is found not guilty of that offence, but
- (b) the allegations in the indictment or complaint amount to or include an allegation of an offence under one or more of the provisions of that Order specified in the corresponding entry in the second column,

he may be convicted of that offence or of one or more of those offences.

(1) Offence charged	(2) Alternative
Article 9 (causing death, or grievous bodily injury, by dangerous driving)	Article 10 (dangerous driving) Article 12 (careless, and inconsiderate, driving)
Article 10 (dangerous driving)	Article 12 (careless, and inconsiderate, driving)
Article 14 (causing death, or grievous bodily injury, by careless driving when under influence of drink or drugs)	Article 12 (careless, and inconsiderate, driving)
	Article 15(1) (driving when unfit to drive through drink or drugs)
	Article 16(1)(a) (driving with excess alcohol in breath, blood or urine)
	Article 18(7) (failing to provide specimen)
Article 15(1) (driving or attempting to drive when unfit to drive through drink or drugs)	Article 15(2) (being in charge of a vehicle when unfit to drive through drink or drugs)
Article 16(1)(a) (driving or attempting to drive with excess alcohol in breath, blood or urine)	Article 16(1)(b) (being in charge of a vehicle with excess alcohol in breath, blood or urine)
Article 42 (dangerous cycling)	Article 43 (careless, and inconsiderate, cycling)

(2) Where the offence with which a person is charged is an offence under Article 14 of the Order of 1995, paragraph (1) shall not authorise his conviction of any offence of attempting to drive.

(3) Where a person is charged with having committed an offence under Article 15(1) or 16(1)(a) of the Order of 1995 by driving a vehicle, he may be convicted of having committed an offence under the provision in question by attempting to drive.

(4) Where by virtue of this Article a person is convicted before the Crown Court of an offence triable only summarily, the court shall have the same powers and duties as a court of summary jurisdiction would have had on convicting him of that offence.

(5) This Article has effect without prejudice to section 6(2) of the Criminal Law Act (Northern Ireland) 1967(2) (alternative verdicts on trial on indictment)."

Obligatory disqualification and endorsement on conviction of certain drinking and driving offences

96. For Article 152 of the Order of 1981 there shall be substituted the following Article—

“Obligatory disqualification and endorsement

152.—(1) where a person is convicted of an offence under any of the following provisions of the Order of 1995, namely—

- (a) Article 15(1) (driving or attempting to drive while unfit);
- (b) Article 16(1)(a) (driving or attempting to drive with excess alcohol); or
- (c) Article 18(7) (failing to provide a specimen), being an offence arising from his failure to provide a specimen required to ascertain either his ability to drive or the

proportion of alcohol in his breath, blood or urine (as the case may be) at the time he was driving or attempting to drive;

the court must order him to be disqualified for such period not less than 12 months as the court thinks fit unless the court for special reasons thinks fit to order him to be disqualified for a shorter period or not to order him to be disqualified.

(2) Where a person is convicted of an offence under Article 14 of the Order of 1995 (causing death, or grievous bodily injury, by careless driving when under the influence of drink or drugs) paragraph (1) shall apply in relation to him as if the reference to 12 months were a reference to 2 years.

(3) Where a person convicted of an offence under—

- (a) any of the provisions mentioned in sub-paragraph (a) to (c) of paragraph (1), or
- (b) Article 14 of the Order of 1995,

has within the 10 years immediately preceding the commission of the offence been convicted of any such offence, paragraph (1) shall apply in relation to him as if the reference to 12 months were a reference to 3 years.

(4) A conviction of an offence mentioned in paragraph (5) shall be treated as a conviction of an offence mentioned in paragraph (3).

(5) The offences are—

(a) an offence under any of the following provisions of this Order, namely—

- (i) Article 143(1);
- (ii) Article 144(1)(a); and
- (iii) Article 146, being an offence arising from his failure to provide a specimen required to ascertain either his ability to drive or the proportion of alcohol in his breath, blood or urine (as the case may be) at the time he was driving or attempting to drive;

as those provisions had effect immediately before their repeal by the Order of 1995;

(b) an offence under any of the following provisions of this Order, namely Articles 141, 144, 145 and 147, as those Articles had effect before the coming into operation of Part III of the Road Traffic (Amendment) (Northern Ireland) Order 1991, being an offence committed by or arising out of driving, or attempting to drive, a motor vehicle on a road or other public place.

(6) Where a person is disqualified under this Article, he shall also be disqualified for holding or obtaining a full licence until he has, at some time after the expiry of the period for which he is disqualified, passed a test of competence to drive.

(7) Without prejudice to any requirement in Article 197(1), where a person is convicted of—

- (a) an offence under Article 15(2), 16(1)(b) or 17 of the Order of 1995; or
- (b) an offence under Article 18 of that Order, arising in circumstances other than those mentioned in sub-paragraph (c) of paragraph (1);

the court before which he is convicted shall order that particulars of the conviction be endorsed on the counterpart of any licence held by him.”

Penalty for breach of regulations under Road Traffic Orders

97. After Article 174A of the Order of 1981 there shall be inserted the following Article—

“Penalty for breach of regulations

174B. If a person acts in contravention of—

- (a) any regulations made by the Department under this Order other than regulations made under Article 132; or
- (b) any regulations made by the Department under the Order of 1995 other than regulations made under Article 45 or 61 of that Order.

and the contravention is not made an offence under any other provision of the Road Traffic Orders, he shall be guilty of an offence under this Order.”

Duties on occurrence of an accident

98.—(1) In Article 175 (duties on occurrence of an accident caused by presence of a motor vehicle), in paragraph (1) and in the heading immediately preceding it, for the words “motor vehicle” there shall be substituted “mechanically propelled vehicle”.

(2) In head (iv) of paragraph (1) of that Article for the words “and produce” there shall be substituted “and, where the vehicle is a motor vehicle, produce”.

(3) In paragraph (3) of that Article for the words “the vehicle” there shall be substituted “a motor vehicle”.

(4) In paragraph (4) of that Article for the words from the beginning to “that paragraph” there shall be substituted “Where a person is convicted of an offence under paragraph (1)”.

(5) In paragraph (5) of that Article for the words “motor vehicle” there shall be substituted “mechanically propelled vehicle”.

(6) In Article 176 (duties on occurrence of other accidents), in paragraph (1) for the words “motor vehicle” there shall be substituted “mechanically propelled vehicle”.

Powers of vehicle examiners

99. After Article 180 of the Order of 1981 (enforcement powers of constable) there shall be inserted the following Article—

“Powers of vehicle examiners as respects goods vehicles and passenger-carrying vehicles

180A. An examiner appointed under Article 74 of the Order of 1995 may, on production if required of his authority, exercise in the case of goods vehicles or passenger-carrying vehicles of any prescribed class all such powers as are, under Article 180, exercisable by a constable.”

Proceedings for certain construction and use offences

100. For Article 186 of the Order of 1981 (evidence of unladen weight of motor vehicles) there shall be substituted the following Article—

“Provisions as to proceedings for certain offences in connection with the construction and use of vehicles and equipment

186.—(1) If in any proceedings for an offence under Article 54, 56, 57 or 58 of the Order of 1995 (using vehicle in dangerous condition or contravention of construction and use regulations)—

- (a) any question arises as to a weight of any description specified in the plating certificate for a goods vehicle; and
- (b) a weight of that description is marked on the vehicle,

it shall be assumed, unless the contrary is proved, that the weight marked on the vehicle is the weight so specified.

- (2) If, in any proceedings for an offence—
 - (a) under Part III of the Order of 1995, except Article 63 and 83, or
 - (b) under Article 174 of this Order;

any question arises as to the date of manufacture of a vehicle, a date purporting to be such a date and marked on the vehicle in pursuance of regulations under Part III of the Order of 1995 shall be evidence that the vehicle was manufactured on the date so marked.

(3) If in any proceedings for the offence of driving a vehicle on a road, or causing or permitting a vehicle to be so driven, in contravention of a prohibition under Article 79(2) of the Order of 1995 any question arises whether a weight of any description has been reduced to a limit imposed by construction and use requirements, or so that it has ceased to be excessive, the burden of proof shall lie on the accused.”

Records kept by operators of goods vehicles

101. After Article 190 of the Order of 1981 (admissibility of records as evidence) there shall be inserted the following Article—

“Use of records kept by operators of goods vehicles

190A. In any proceedings for an offence under Article 54 of the Order of 1995 or for a contravention of construction and use requirements (within the meaning of Part III of that Order) or regulations under Article 82 of that Order, any record purporting to be made and authenticated in accordance with regulations under that Article shall be evidence of the matters stated in the record and of its due authentication.”

Power to join in indictment counts for certain summary offences

102. After Article 193 of the Order of 1981 there shall be inserted the following Article—

“Power to join in indictment counts for certain summary offences

193A.—(1) A count charging a person with a summary offence to which this Article applies may be included in an indictment if the charge—

- (a) is founded on the same facts or evidence as a count charging an indictable offence; or
- (b) is part of a series of offences of the same or similar character as an indictable offence which is also charged,

but only if (in either case) the facts or evidence relating to the offence were disclosed in a preliminary investigation or inquiry under the Magistrates' Courts (Northern Ireland) Order 1981(3).

(2) Where a count charging an offence to which this Article applies is included in an indictment, the offence shall be tried in the same manner as if it were an indictable offence;

but the Crown Court may only deal with the offender in respect of it in a manner in which a court of summary jurisdiction could have dealt with him.

(3) This Article applies to the following offences, namely—

- (a) an offence under paragraph (1) or (2) of Article 15 of the Order of 1995 (driving or attempting to drive, or being in charge of, a mechanically propelled vehicle when under influence of drink or drugs);
- (b) an offence under sub-paragraph (1)(a) or (b) of Article 16 of that Order (driving or attempting to drive, or being in charge of, a motor vehicle with alcohol concentration above prescribed limit);
- (c) an offence under Article 18 of that Order (failing to provide specimen for analysis or laboratory test); and
- (d) any summary offence specified under paragraph (4).

(4) The Secretary of State may by order specify for the purposes of this Article any summary offence—

- (a) which is mentioned in Schedule 4 to this Order or Schedule 2 to the Order of 1995, and
- (b) which is punishable with imprisonment.

(5) For the purposes of this Article statements in writing admitted in evidence under Article 33 of the Magistrates' Courts (Northern Ireland) Order 1981 shall be treated as depositions taken in the presence of the accused before the magistrates' court which committed him for trial.

(6) An order made under paragraph (4) shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument, and section 5 of the Statutory Instruments Act 1946(4) shall apply accordingly.

(7) In this Article “summary offence” means an offence which, if committed by an adult, is punishable only on summary conviction.”

Exemption from disqualification and endorsement

103. After Article 197 of the Order of 1981 (provisions as to endorsement of licences) there shall be inserted the following Article—

“Exemption from disqualification and endorsement for certain construction and use offences

197A.—(1) Where a person is convicted of an offence under Article 54 of the Order of 1995 (using vehicle in dangerous condition etc.) the court must not—

- (a) order him to be disqualified, or
- (b) order any particulars to be endorsed on the counterpart of any licence held by him,

if he proves that he did not know, and had no reasonable cause to suspect, that the use of the vehicle involved a danger to injury to any person.

(2) Where a person is convicted of an offence under Article 56 of the Order of 1995 (breach of requirement as to brakes, steering-gear or tyres) the court must not—

- (a) order him to be disqualified, or
- (b) order any particulars to be endorsed on the counterpart of any licence held by him,

if he proves that he did not know, and had no reasonable cause to suspect, that the facts of the case were such that the offence would be committed.

(3) In relation to licences which came into force before 1st January 1991, the references in paragraphs (1) and (2) to the counterpart of a licence shall be construed as references to the licence itself.”