STATUTORY INSTRUMENTS

2005 No. 1964

The Traffic Management (Northern Ireland) Order 2005

Introductory

Title and commencement

1.—(1) This Order may be cited as the Traffic Management (Northern Ireland) Order 2005.

(2) This Article, Articles 2, 3, 4(3), (4) and (7), 8, 18(1)(b) and (6), 20(2), 21(1)(b) and (8), 23(7), 24, 29 to 38 and 41 to 46, and Article 47 so far as it relates to the Road Traffic Offenders (Northern Ireland) Order 1996 (NI 10) and Articles 56 and 57 of, and Schedules 1 to 6 to, the 1997 Order shall come into operation on the expiration of one month from the day on which this Order is made.

(3) The remaining provisions of this Order shall come into operation on such day or days as the Department may by order appoint.

Subordinate Legislation Made

P1 Art. 1(3) power fully exercised: 30.10.2006 appointed by {S.R. 2006/347}, art. 2, Sch.

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;

[[F1]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 **[**[F2]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 **[**[F2]enforcement authority**]** does not accept that a ground mentioned in Article 25(4) has been established;

[[F3]"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 **[**[F4]enforcement authority**]** .

F1 Words in art. 2(2) inserted (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), art. 1(8), **Sch. para. 6(2)(a)**

F2 Words in art. 2(2) substituted (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), art. 1(8), **Sch. para. 6(2)(b)**

F3 Words in art. 2(2) inserted (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), art. 1(8), **Sch. para. 6(2)(c)**

F4 Words in art. 2(4) substituted (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), art. 1(8), **Sch. para. 6(3)**

Traffic attendants

Traffic attendants

3.—**[**[F5](1) The Department may provide for the enforcement by individuals of contraventions specified in Schedule 1 in relation to which the Department is the enforcement authority.

(1A) A district council may provide for the enforcement by individualsof contraventions specified in Schedule 1 in relation to which the council is the enforcement authority.

(1B) The individuals referred to in paragraphs (1) and (1A) are to beknown as traffic attendants.**]**

(2) A traffic attendant must be—

(a) an individual employed by **[**[F6]an enforcement authority**]** ; or

(b) where **[**[F6]an enforcement authority**]** has made arrangements with any person for the purposes of this Article, an individual employed by that person to act as a traffic attendant.

[[F7](2A) In relation to any function conferred by this Order on anenforcement authority, a reference to a traffic attendant is a reference to a traffic attendant employed by, or in pursuance of arrangements made by, that enforcement authority under paragraph (2).**]**

(3) Traffic attendants—

(a) when exercising specified functions shall wear such uniform as the **[**[F8]enforcement authority**]** may determine; and

(b) shall not exercise any of those functions when not in uniform.

(4) In paragraph (3)(a) "specified functions" means—

(a) functions under Article 5 (issue of penalty charge notice by traffic attendant);

(b) functions under section 14(4BA) or 14A(5) of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978 (c. 53) (enforcement powers relating to disabled persons' badges); and

(c) such other functions as may be prescribed.

F5 Art. 3(1)(1A)(1B) substituted for art. 3(1) (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), art. 1(8), **Sch. para. 7(2)**

F6 Words in art. 3(2) substituted (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), art. 1(8), **Sch. para. 7(3)**

F7 Art. 3(2A) inserted (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), art. 1(8), **Sch. para. 7(4)**

F8 Words in art. 3(3) substituted (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), art. 1(8), **Sch. para. 7(5)**

Modifications etc. (not altering text)

C1 Arts. 3-28: transfer of functions (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), **arts. 1(3)**(8) (with art. 1(5))

Penalty charges

Penalty charges

4.—(1) A penalty charge is payable with respect to a vehicle involved in a contravention specified in Schedule 1—

(a) by the owner of the vehicle; or

(b) by such other person as may be prescribed.

(2) Schedule 1 (which specifies the contraventions for which a penalty charge is payable) shall have effect.

(3) The Department may by regulations amend Schedule 1 and regulations under this paragraph may in particular add any contravention of a statutory provision involving a vehicle, whether stationary or not.

(4) The Department may by regulations specify—

(a) the amounts of any specified penalty charges;

(b) the contraventions in relation to which any specified penalty charge is payable; and

(c) the percentages by which any penalty charges may be reduced or increased.

(5) A penalty charge shall not be payable except on the basis of—

(a) information given by a traffic attendant as to conduct observed by him; or

(b) a record produced by a prescribed device.

(6) A penalty charge shall not be payable (or if paid shall be refunded) where the conduct in respect of which it was imposed is the subject of—

(a) criminal proceedings; or

(b) a fixed penalty notice.

(7) Criminal proceedings shall not be brought, and a fixed penalty notice shall not be issued, in respect of any prescribed description of conduct for which a penalty charge may be imposed.

Modifications etc. (not altering text)

C1 Arts. 3-28: transfer of functions (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), **arts. 1(3)**(8) (with art. 1(5))

Commencement Information

I1 Art. 4 wholly in force at 30.10.2006; art. 4(3)(4)(7) in force at 20.8.2005 see art. 1(2); art. 4(1)(2)(5)(6) in force at 30.10.2006 by S.R. 2006/347, **art. 2**, Sch.

Issue of penalty charge notice by traffic attendant or [F9enforcement authority]

5.—(1) Where a traffic attendant has reason to believe that a penalty charge is payable with respect to a stationary vehicle on a public road or in a parking place, he may—

(a) fix a penalty charge notice to the vehicle; or

(b) give a penalty charge notice to the person appearing to him to be in charge of the vehicle.

(2) Where a traffic attendant—

(a) has reason to believe that a penalty charge is payable with respect to a moving vehicle on a public road; or

(b) is prevented from issuing a penalty charge notice under paragraph (1),

the **[**[F9]enforcement authority**]** may issue a penalty charge notice produced by the traffic attendant.

(3) A penalty charge notice under this Article must state—

(a) the grounds on which the traffic attendant believes that a penalty charge is payable with respect to the vehicle;

(b) the amount of the penalty charge which is payable;

(c) that the penalty charge must be paid within 28 days;

(d) that if the penalty charge is paid within 14 days, the amount of the penalty charge will be reduced by a specified percentage;

(e) that if the penalty charge is not paid within 28 days, a notice to owner may be served by the **[**[F9]enforcement authority**]** on the person who appears to it to be the owner of the vehicle;

(f) how payment of the penalty charge may be made; and

(g) such additional matters as the **[**[F9]enforcement authority**]** may determine.

(4) In paragraph (3)—

"specified" means specified in regulations under Article 4(4);

"within 14 days" and "within 28 days" mean before the end of the period of 14 days or, as the case may be, 28 days from the date of the penalty charge notice.

(5) A penalty charge notice under paragraph (2) must be—

(a) accompanied by a supplementary notice from the **[**[F9]enforcement authority**]** stating—

(i) the effect of paragraph (6); and

(ii) where paragraph (2)(b) applies, that the traffic attendant was prevented from issuing a penalty charge notice under paragraph (1); and

(b) served, before the end of the period of 28 days from the date on which the alleged contravention occurred, on the person appearing to the **[**[F9]enforcement authority**]** to be the owner of the vehicle.

(6) Where the **[**[F9]enforcement authority**]** issues a penalty charge notice under paragraph (2), any statements made under paragraph (3)(c), (d) or (e) shall have effect as if references to the date of the penalty charge notice were references to the date of the supplementary notice under paragraph (5).

(7) A penalty charge notice fixed to a vehicle in accordance with this Article shall not be removed or interfered with except by or under the authority of—

(a) the owner, or person in charge, of the vehicle;

(b) the **[**[F9]enforcement authority**]** ; or

(c) a constable.

(8) A person who contravenes paragraph (7) is guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

F9 Words in arts. 5-28 (except arts. 8(3)(4), 18(6), 21(8), 24(1)) substituted (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), art. 1(8), **Sch. para. 8**

Modifications etc. (not altering text)

C1 Arts. 3-28: transfer of functions (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), **arts. 1(3)**(8) (with art. 1(5))

Service of notice to owner if penalty charge not paid

6.—(1) Where—

(a) a penalty charge notice with respect to a vehicle has been issued under Article 5; and

(b) the penalty charge has not been paid within 28 days,

the **[**[F9]enforcement authority**]** may serve a notice ("a notice to owner") on the person who appears to the **[**[F9]enforcement authority**]** to have been the owner of the vehicle when the alleged contravention occurred.

(2) In paragraph (1)(b) "within 28 days" means before the end of the period of 28 days from the date—

(a) of the penalty charge notice if it was issued by a traffic attendant; or

(b) of the supplementary notice under Article 5(5) if the penalty charge notice was issued by the **[**[F9]enforcement authority **]** .

(3) A notice to owner must state—

(a) the grounds on which the traffic attendant believed that a penalty charge was payable with respect to the vehicle;

(b) the amount of the penalty charge which is payable;

(c) that the penalty charge must be paid within 28 days;

(d) that failure to pay the penalty charge may lead to the penalty charge being increased;

(e) the amount of that increased charge;

(f) that there is a right to make representations under Article 9 and a right of appeal under Article 13;

(g) how payment of the penalty charge may be made; and

(h) such additional matters as the **[**[F9]enforcement authority**]** may determine.

(4) In paragraph (3)(c) "within 28 days" means before the end of the period of 28 days from the date of the notice to owner.

F9 Words in arts. 5-28 (except arts. 8(3)(4), 18(6), 21(8), 24(1)) substituted (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), art. 1(8), **Sch. para. 8**

Modifications etc. (not altering text)

C1 Arts. 3-28: transfer of functions (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), **arts. 1(3)**(8) (with art. 1(5))

Issue of penalty charge notice on basis of record produced by prescribed device

7.—(1) Where the **[**[F9]enforcement authority**]** has reason to believe on the basis of a record produced by a prescribed device that a penalty charge is payable with respect to a vehicle, it may serve a penalty charge notice on the person who appears to it to have been the owner of the vehicle when the alleged contravention occurred.

(2) The **[**[F9]enforcement authority**]** shall not serve a penalty charge notice under this Article after the end of the period of 28 days from the date on which the alleged contravention occurred.

(3) A penalty charge notice under this Article must state—

(a) the grounds on which the **[**[F9]enforcement authority**]** believes that a penalty charge is payable with respect to the vehicle;

(b) the amount of the penalty charge which is payable;

(c) that the penalty charge must be paid within 28 days;

(d) that if the penalty charge is paid within 14 days, the amount of the penalty charge will be reduced by a specified percentage;

(e) that failure to pay the penalty charge may lead to the penalty charge being increased;

(f) the amount of that increased charge;

(g) that there is a right to make representations under Article 9 and a right of appeal under Article 13;

(h) how payment of the penalty charge may be made; and

(i) such additional matters as the **[**[F9]enforcement authority**]** may determine.

(4) In paragraph (3)—

"specified" means specified in regulations under Article 4(4);

"within 14 days" and "within 28 days" mean before the end of the period of 14 days or, as the case may be, 28 days from the date of the penalty charge notice under this Article.

F9 Words in arts. 5-28 (except arts. 8(3)(4), 18(6), 21(8), 24(1)) substituted (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), art. 1(8), **Sch. para. 8**

Modifications etc. (not altering text)

C1 Arts. 3-28: transfer of functions (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), **arts. 1(3)**(8) (with art. 1(5))

Prescribed devices: admissibility of evidence

8.—(1) Evidence of a fact relevant to proceedings to which this Article applies may be given by the production of—

(a) a record produced by a prescribed device; and

(b) (in the same or another document) a certificate as to the circumstances in which the record was produced signed by a person authorised by the **[**[F10]enforcement authority**]** ;

but subject to the following provisions of this Article.

(2) Subject to paragraph (8), this Article applies to—

(a) proceedings before an adjudicator relating to a contravention specified in Schedule 1; and

(b) proceedings for an offence which consists of such a contravention.

(3) A record produced by a prescribed device shall not be admissible as evidence of a fact relevant to proceedings to which this Article applies unless—

(a) the device is of a type approved by the Department; and

(b) any conditions subject to which the approval was given are satisfied.

(4) Any approval given by the Department for the purposes of this Article may be given subject to conditions as to the purposes for which, and the manner and other circumstances in which, any device of the type concerned is to be used.

(5) In proceedings to which this Article applies, evidence that a device was of a type approved for the purposes of this Article, or that any conditions subject to which an approval was given were satisfied, may be given by the production of a document which—

(a) is signed as mentioned in paragraph (1), and

(b) states that the device was of such a type or that, to the best of the knowledge and belief of the person making the statement, all such conditions were satisfied.

(6) For the purposes of this Article a document purporting to be—

(a) a record of the kind mentioned in paragraph (1), or

(b) a certificate or other document signed as mentioned in that paragraph or in paragraph (5),

shall be deemed to be such a record, or to be so signed, unless the contrary is proved.

(7) Nothing in paragraph (1) or (5) makes a document admissible as evidence in proceedings for an offence unless a copy of it has, not less than 7 days before the hearing or trial, been served on the person charged with the offence; and nothing in those paragraphs makes a document admissible as evidence of anything other than the matters shown on a record produced by a prescribed device if that person, not less than 3 days before the hearing or trial or within such further time as the court may in special circumstances allow, serves a notice on the complainant requiring attendance at the hearing or trial of the person who signed the document.

(8) Paragraph (7) does not apply in relation to proceedings before an adjudicator.

F10 Words in arts. 5-28 (except arts. 8(3)(4), 18(6), 21(8), 24(1)) substituted (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), art. 1(8), **Sch. para. 8**

Modifications etc. (not altering text)

C1 Arts. 3-28: transfer of functions (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), **arts. 1(3)**(8) (with art. 1(5))

Right to make representations to [F11enforcement authority]

9.—(1) Where it appears to a person who has received a notice under Article 6 or 7 ("the recipient") that one or more of the grounds mentioned in paragraph (2)

are satisfied, he may make representations in writing to the **[**F11enforcement authority **]** before the end of the period of 28 days from the date of the notice.

(2) The grounds are—

(a) that the recipient—

(i) never was the owner of the vehicle in question;

(ii) had ceased to be its owner before the date on which the alleged contravention occurred; or

(iii) became its owner after that date;

(b) that the alleged contravention did not occur;

(c) that—

(i) at the time of the alleged contravention the vehicle was in the control of a person without the consent of the owner; or

(ii) it would be unreasonable to regard the owner as responsible for the alleged contravention because the vehicle had previously been in the control of a person without his consent;

(d) that the recipient is a vehicle-hire firm and—

(i) the vehicle was at the time of the alleged contravention hired from that firm under a hiring agreement; and

(ii) the person hiring it had signed a statement of liability acknowledging his liability in respect of any penalty charge during the currency of the hiring agreement;

(e) that the penalty charge exceeded the amount applicable in the circumstances of the case;

(f) in the case of a notice under Article 6 which was preceded by a penalty charge notice issued under Article 5(2)(b), that the traffic attendant was not prevented from issuing a penalty charge notice under Article 5;

(g) that the conduct constituting the alleged contravention is the subject of criminal proceedings or of a fixed penalty notice.

(3) The reference in paragraph (2)(d) to the currency of the hiring agreement includes a reference to any period during which, with the consent of the vehicle-hire firm, the hirer continues in possession of the vehicle as hirer, after the expiry of a fixed period specified in the agreement, but otherwise on the terms and conditions so specified.

(4) The **[**[F11]enforcement authority **]** shall—

(a) consider any representations made under this Article and any supporting evidence which the person making them provides; and

(b) serve on that person notice of its decision as to whether it accepts that the ground in question has been established.

F11 Words in arts. 5-28 (except arts. 8(3)(4), 18(6), 21(8), 24(1)) substituted (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), art. 1(8), **Sch. para. 8**

Modifications etc. (not altering text)

C1 Arts. 3-28: transfer of functions (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), **arts. 1(3)**(8) (with art. 1(5))

Additional information to be included in representations

10.—(1) Where in any representations made under Article 9 the ground mentioned in paragraph (2)(a)(ii) or (iii) or (d) of that Article is relied on, the representations must include a statement made by the person making the representations ("R") of the information required by this Article (if that information is in his possession).

(2) If the ground mentioned in Article 9(2)(a)(ii) is relied on, the following information is required—

(a) the name and address of the person to whom the vehicle was disposed of; and

(b) the date on which R complied with any relevant statutory requirements relating to the disposal.

(3) If the ground mentioned in Article 9(2)(a)(iii) is relied on, the following information is required—

(a) the name and address of the person from whom the vehicle was acquired; and

(b) the date on which R complied with any relevant statutory requirements relating to the acquisition.

(4) If the ground mentioned in Article 9(2)(d) is relied on, the information required is the name and address of the person hiring the vehicle and the representations must include a copy of the hiring agreement and the statement of liability referred to in Article 9(2)(d)(i) and (ii) (if they are in R's possession).

(5) In paragraphs (2)(b) and (3)(b) "relevant statutory requirements" means requirements under the Vehicle Excise and Registration Act 1994 (c. 22) relating to notifying, or delivering a document to, the Secretary of State.

Modifications etc. (not altering text)

C1 Arts. 3-28: transfer of functions (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), **arts. 1(3)**(8) (with art. 1(5))

Duty to cancel notice

11.—(1) Where the **[**[F12]enforcement authority**]** accepts that a ground mentioned in Article 9(2) has been established, it shall—

(a) cancel the notice served under Article 6 or 7; and

(b) state in the notice served under Article 9(4)(b) that the notice served under Article 6 or 7 has been cancelled.

(2) The cancellation of a notice under paragraph (1) does not prevent the **[**[F12]enforcement authority **]** from serving a fresh notice on another person (to which, in the case of a notice under Article 7, paragraph (2) of that Article shall not apply).

(3) Where the **[**[F12]enforcement authority **]** accepts that the ground mentioned in Article 9(2)(d) has been established, the person hiring the vehicle shall be taken to be its owner for the purposes of this Order.

F12 Words in arts. 5-28 (except arts. 8(3)(4), 18(6), 21(8), 24(1)) substituted (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), art. 1(8), **Sch. para. 8**

Modifications etc. (not altering text)

C1 Arts. 3-28: transfer of functions (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), **arts. 1(3)**(8) (with art. 1(5))

Rejection of representations

12. Where the **[**[F12]enforcement authority **]** serves a notice of rejection under Article 9(4)(b), the notice must—

(a) state that a charge certificate may be served under Article 14(2) unless before the end of the period of 28 days from the date of that notice—

(i) the penalty charge is paid; or

(ii) the person on whom the notice is served appeals to an adjudicator under Article 13;

(b) describe in general terms the form and manner in which such an appeal must be made;

(c) indicate the nature of an adjudicator's power to award costs against any person appealing to him; and

(d) contain such other information as the **[**[F12]enforcement authority **]** considers appropriate.

F12 Words in arts. 5-28 (except arts. 8(3)(4), 18(6), 21(8), 24(1)) substituted (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), art. 1(8), **Sch. para. 8**

Modifications etc. (not altering text)

C1 Arts. 3-28: transfer of functions (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), **arts. 1(3)**(8) (with art. 1(5))

Appeal to an adjudicator

13.—(1) Where the **[**[F12]enforcement authority **]** serves a notice of rejection under Article 9(4)(b), the person on whom it is served may appeal to an adjudicator before the end of the period of 28 days from the date of that notice or such longer period as an adjudicator may allow.

(2) On an appeal under this Article, the adjudicator—

(a) shall consider the representations in question and any additional representations which are made by the appellant on any of the grounds mentioned in Article 9(2);

(b) shall serve notice of his decision on the appellant and the **[**[F12]enforcement authority**]** ; and

(c) may give the **[**[F12]enforcement authority**]** such directions as he thinks appropriate.

(3) The **[**[F12]enforcement authority**]** shall comply with any directions under paragraph (2)(c) forthwith.

F12 Words in arts. 5-28 (except arts. 8(3)(4), 18(6), 21(8), 24(1)) substituted (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), art. 1(8), **Sch. para. 8**

Modifications etc. (not altering text)

C1 Arts. 3-28: transfer of functions (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), **arts. 1(3)**(8) (with art. 1(5))

Charge certificates

14.—(1) Paragraph (2) applies where—

(a) a notice under Article 6 or 7 is served on any person; and

(b) the penalty charge to which it relates is not paid before the end of the relevant period (as defined in paragraph (3)).

(2) The **[**[F12]enforcement authority**]** may serve on that person a statement (a "charge certificate") to the effect that the penalty charge in question is increased by a specified percentage.

(3) In this Article "relevant period" means—

(a) where no representations are made under Article 9, the period of 28 days from the date of the notice under Article 6 or 7;

(b) where—

(i) representations are made under Article 9;

(ii) a notice of rejection is served under paragraph (4)(b) of that Article; and

(iii) no appeal against the notice of rejection is made,

the period of 28 days from the date of the notice of rejection;

(c) where there has been an unsuccessful appeal against a notice of rejection under Article 9(4)(b), the period of 28 days from the date of the notice of the adjudicator's decision;

(d) where an appeal against a notice of rejection under Article 9(4)(b) is made but is withdrawn before the adjudicator gives notice of his decision, the period of 14 days from the date on which the appeal is withdrawn.

F12 Words in arts. 5-28 (except arts. 8(3)(4), 18(6), 21(8), 24(1)) substituted (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), art. 1(8), **Sch. para. 8**

Modifications etc. (not altering text)

C1 Arts. 3-28: transfer of functions (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), **arts. 1(3)**(8) (with art. 1(5))

Enforcement of charge certificate

15.—(1) Where—

(a) a charge certificate is served on any person ("the liable person"); and

(b) the increased penalty charge to which it relates is not paid within 14 days,

the increased penalty charge shall be recoverable by the **[**[F12]enforcement authority**]** from the liable person.

(2) The **[**[F12]enforcement authority**]** shall serve on the liable person a notice which states—

(a) that the increased penalty charge is recoverable from him by the **[**[F12]enforcement authority**]** ; and

(b) that the liable person may serve a statutory declaration on an adjudicator under Article 16.

(3) Subject to Article 16(5), paragraph (1) shall not have effect in relation to an increased penalty charge until the later of—

(a) the end of the period of 21 days from the date of a notice under paragraph (2) (or if an adjudicator allows a longer period for service of a statutory declaration under Article 16(1), the end of that longer period); or

(b) if the liable person serves a statutory declaration, the date of the adjudicator's decision.

(4) Any costs reasonably incurred by the **[**[F12]enforcement authority**]** in recovering an amount under paragraph (1) shall be recoverable by the **[**[F12]enforcement authority **]** from the liable person.

(5) The Judgments Enforcement (Northern Ireland) Order 1981 (NI 6) shall apply with the necessary modifications to any amount recoverable under this Article as it applies in relation to a sum due under a money judgment (within the meaning of that Order).

(6) In paragraph (1) "within 14 days" means before the end of the period of 14 days from the date of the charge certificate.

F12 Words in arts. 5-28 (except arts. 8(3)(4), 18(6), 21(8), 24(1)) substituted (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), art. 1(8), **Sch. para. 8**

Modifications etc. (not altering text)

C1 Arts. 3-28: transfer of functions (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), **arts. 1(3)**(8) (with art. 1(5))

Appeal by way of statutory declaration to an adjudicator

16.—(1) Where a person is liable to pay an amount under Article 15(1) he may serve a statutory declaration on an adjudicator before the end of the period of 21 days from the date of a notice under paragraph (2) of that Article or such longer period as an adjudicator may allow.

(2) A statutory declaration for the purposes of this Article must state not more than one of the following—

(a) that the appellant did not receive a notice under Article 6 or 7;

(b) that the appellant made representations under Article 9 but did not receive a notice of rejection;

(c) that the appellant appealed to an adjudicator under Article 13 but did not receive a notice of his decision under that Article.

(3) A statutory declaration must state such additional matters as the Lord Chancellor may **[**[F13]after consultation with the Lord Chief Justice**]** determine.

(4) The adjudicator shall—

(a) consider the statutory declaration, any additional representations made by the appellant and any representations made by the **[**[F12]enforcement authority **]** ; and

(b) serve notice of his decision on the appellant and the **[**[F12]enforcement authority**]** .

(5) Where an adjudicator decides that a statement under paragraph (2) is true—

(a) the charge certificate shall be deemed to be cancelled and Article 15(1) shall not by virtue of the service of that certificate have effect in relation to the penalty charge;

(b) the **[**[F12]enforcement authority**]** shall comply forthwith with any directions which the adjudicator may give to it; and

(c) in the case of a statement under paragraph (2)(c), the adjudicator may take such steps as he thinks appropriate.

(6) Service of a statutory declaration stating that the appellant did not receive a notice under Article 6 or 7 does not prevent the **[**[F12]enforcement authority**]** serving a fresh notice under Article 6 or 7 (to which, in the case of a notice under Article 7, paragraph (2) of that Article shall not apply).

(7) In this Article "appellant" means the person making the statutory declaration.

F12 Words in arts. 5-28 (except arts. 8(3)(4), 18(6), 21(8), 24(1)) substituted (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), art. 1(8), **Sch. para. 8**

F13 Words in art. 16(3) inserted (14.8.2010) by Roads (Miscellaneous Provisions) Act (Northern Ireland) 2010 (c. 14), ss. 8(1), 9(1), **Sch. 2 para. 7(1)**

Modifications etc. (not altering text)

C1 Arts. 3-28: transfer of functions (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), **arts. 1(3)**(8) (with art. 1(5))

Procedure on cancellation of penalty charge notice etc.

17.—(1) The **[**[F12]enforcement authority**]** may cancel any penalty charge notice or notice to owner but if it does so, it shall serve notice of the cancellation on the person who appears to it to have been the owner of the vehicle at the time the alleged contravention occurred.

(2) The **[**[F12]enforcement authority**]** may cancel a charge certificate but if it does so, it shall serve notice of the cancellation on any person on whom the charge certificate was served.

(3) The cancellation under this Article of a notice served by the **[**[F12]enforcement authority **]** or of a charge certificate does not prevent the **[**[F12]enforcement authority**]** serving a fresh notice or charge certificate (to which, if it is served on another person, any time limit which applied to the cancelled notice or certificate shall not apply).

(4) This Article is without prejudice to Article 11 (duty to cancel).

F12 Words in arts. 5-28 (except arts. 8(3)(4), 18(6), 21(8), 24(1)) substituted (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), art. 1(8), **Sch. para. 8**

Modifications etc. (not altering text)

C1 Arts. 3-28: transfer of functions (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), **arts. 1(3)**(8) (with art. 1(5))

Immobilisation and removal of vehicles

Immobilisation of vehicles

18.—(1) The **[**[F14]enforcement authority**]** may fix an immobilisation device to a stationary vehicle [F15]... if—

(a) a traffic attendant has fixed a penalty charge notice to the vehicle; or

(b) an amount is recoverable **[**[F16]by the enforcement authority**]** from the owner of the vehicle under Article 15 and prescribed conditions are satisfied.

[[F17](1A) The power of an enforcement authority under paragraph (1) isexercisable only—

(a) in the case of a district council, in relation to a vehicle in an off-street parking place in the district of the council (other than one operated as a "park and ride" or "park and share" parking place);

(b) in the case of the Department, in relation to a vehicle on a public road or in an off-street parking place operated as a "park and ride" or "park and share" parking place.**]**

(2) The **[**[F14]enforcement authority**]** shall also fix to the vehicle a notice—

(a) indicating that an immobilisation device has been fixed to the vehicle and warning that no attempt should be made to drive the vehicle or otherwise put it in motion unless it has been released from the device;

(b) specifying the steps to be taken in order to secure its release; and

(c) giving such other information as the **[**[F14]enforcement authority**]** may determine.

(3) A notice fixed to a vehicle in accordance with this Article shall not be removed or interfered with except by or under the authority of—

(a) the owner, or person in charge, of the vehicle; or

(b) the **[**[F14]enforcement authority**]** .

(4) A person contravening paragraph (3) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(5) The power conferred by paragraph (1) includes power to move the vehicle to another place and fix an immobilisation device to the vehicle in that other place.

(6) It shall be the duty of the Department to prescribe conditions for the purposes of paragraph (1)(b).

F14 Words in arts. 5-28 (except arts. 8(3)(4), 18(6), 21(8), 24(1)) substituted (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), art. 1(8), **Sch. para. 8**

F15 Words in art. 18(1) omitted (1.4.2015) by virtue of Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), art. 1(8), **Sch. para. 9(2)(a)**

F16 Words in art. 18(1)(b) inserted (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), art. 1(8), **Sch. para. 9(2)(b)**

F17 Art. 18(1A) inserted (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), art. 1(8), **Sch. para. 9(3)**

Modifications etc. (not altering text)

C1 Arts. 3-28: transfer of functions (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), **arts. 1(3)**(8) (with art. 1(5))

Commencement Information

I2 Art. 18 wholly in force at 30.10.2006; art. 18(1)(b)(6) in force at 20.8.2005 see art. 1(2); art. 18(1)(a)(2)-(5) in force at 30.10.2006 by S.R. 2006/347, **art. 2**, Sch.

Exemptions from Article 18

19.—(1) An immobilisation device shall not be fixed to a vehicle under Article 18 if a current disabled person's badge is displayed on the vehicle.

(2) Where under Article 5(1)(a) a traffic attendant fixes a penalty charge notice to a vehicle in a parking place in respect of a contravention which consists of, or arises out of, a failure to—

(a) pay a parking charge;

(b) display a ticket or parking device properly; or

(c) remove the vehicle from the parking place by the end of a period for which the appropriate charge was paid,

the **[**[F18]enforcement authority**]** shall not fix an immobilisation device to the vehicle under Article 18(1)(a) until 15 minutes have elapsed from the time when the traffic attendant fixes the penalty charge notice to the vehicle.

(3) If, in a case in which an immobilisation device would have been fixed to a vehicle but for paragraph (1), the vehicle was not being used—

(a) in accordance with regulations under section 14 or 14A of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978 (c. 53); and

(b) in circumstances falling within section 14B(1)(b) or (2)(b) of that Act (disabled person's concession),

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

F18 Words in arts. 5-28 (except arts. 8(3)(4), 18(6), 21(8), 24(1)) substituted (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), art. 1(8), **Sch. para. 8**

Modifications etc. (not altering text)

C1 Arts. 3-28: transfer of functions (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), **arts. 1(3)**(8) (with art. 1(5))

Release of immobilised vehicle

20.—(1) Subject to paragraph (3), a vehicle to which an immobilisation device has been fixed in accordance with this Order shall be released from that device on payment of the relevant charges.

(2) In paragraph (1) "relevant charges" means—

(a) the penalty charge payable if a penalty charge notice was fixed to the vehicle;

(b) any amount recoverable from the owner of the vehicle under Article 15; and

(c) such charge in respect of the immobilisation and release of the vehicle as may be prescribed.

(3) A vehicle to which an immobilisation device has been fixed in accordance with this Order may only be released from the device by or under the direction of a person authorised by the **[**[F19]enforcement authority **]** .

(4) A person who, without being authorised to do so in accordance with this Article removes or attempts to remove an immobilisation device fixed to the vehicle in accordance with this Order shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

F19 Words in arts. 5-28 (except arts. 8(3)(4), 18(6), 21(8), 24(1)) substituted (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), art. 1(8), **Sch. para. 8**

Modifications etc. (not altering text)

C1 Arts. 3-28: transfer of functions (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), **arts. 1(3)**(8) (with art. 1(5))

Commencement Information

I3 Art. 20 wholly in force at 30.10.2006; art. 20(2) in force at 20.8.2005 see art. 1(2); art. 20(1)(3)(4) in force at 30.10.2006 by S.R. 2006/347, **art. 2**, Sch.

Removal of vehicles by the [[F20]enforcement authority]

21.—(1) The **[**[F20]enforcement authority **]** may remove to another place a stationary vehicle [F21]... if—

(a) a traffic attendant has fixed a penalty charge notice to the vehicle; or

(b) an amount is recoverable **[**[F22]by the enforcement authority**]** from the owner of the vehicle under Article 15 and prescribed conditions are satisfied.

[[F23](1A) The power of an enforcement authority under paragraph (1) isexercisable only—

(a) in the case of a district council, in relation to a vehicle in an off-street parking place in the district of the council (other than one operated as a "park and ride" or "park and share" parking place);

(b) in the case of the Department, in relation to a vehicle on a public road or in an off-street parking place operated as a "park and ride" or "park and share" parking place.**]**

(2) The **[**[F20]enforcement authority**]** may remove a vehicle under paragraph (1) in such manner as it thinks necessary and may take such measures in relation to the vehicle as it thinks necessary to enable the vehicle to be removed.

(3) The power of removal conferred by paragraph (1) in relation to a vehicle before it was moved shall continue to be exercisable in relation to the vehicle while it remains in the place to which it was moved.

(4) The **[**[F20]enforcement authority **]** shall take such steps as are reasonably necessary for the safe custody of a vehicle which is removed under paragraph (1) to a place which is not on a public road.

(5) Paragraph (4) shall not apply if in the opinion of the **[**[F20]enforcement authority**]** the vehicle is in such a condition that it ought to be destroyed.

(6) The power of removal conferred by paragraph (1) in relation to a vehicle includes power to remove from the vehicle any of its contents where—

(a) it is reasonable to do so to facilitate the removal of the vehicle;

(b) there is good reason for storing them at a different place from the vehicle; or

(c) their condition requires them to be disposed of without delay.

(7) A person who intentionally obstructs or impedes, or assists another person to obstruct or impede, the removal of a vehicle under this Article shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(8) It shall be the duty of the Department to prescribe conditions for the purposes of paragraph (1)(b).

F20 Words in arts. 5-28 (except arts. 8(3)(4), 18(6), 21(8), 24(1)) substituted (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), art. 1(8), **Sch. para. 8**

F21 Words in art. 21(1) omitted (1.4.2015) by virtue of Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), art. 1(8), **Sch. para. 10(2)(a)**

F22 Words in art. 21(1)(b) inserted (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), art. 1(8), **Sch. para. 10(2)(b)**

F23 Art. 21(1A) inserted (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), art. 1(8), **Sch. para. 10(3)**

Modifications etc. (not altering text)

C1 Arts. 3-28: transfer of functions (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), **arts. 1(3)**(8) (with art. 1(5))

Commencement Information

I4 Art. 21 wholly in force at 30.10.2006; art. 21(1)(b)(8) in force at 20.8.2005 see art. 1(2); art. 21(1)(a)(2)-(7) in force at 30.10.2006 by S.R. 2006/347, **art. 2**, Sch.

Exemption from Article 21

22. Where under Article 5(1)(a) a traffic attendant fixes a penalty charge notice to a vehicle in a parking place in respect of a contravention which consists of, or arises out of, a failure to—

(a) pay a parking charge;

(b) display a ticket or parking device properly; or

(c) remove the vehicle from the parking place by the end of the period for which the appropriate charge was paid,

the **[**[F24]enforcement authority**]** shall not remove the vehicle under Article 21(1)(a) until 15 minutes have elapsed from the time when the traffic attendant fixes the penalty charge notice to the vehicle.

F24 Words in arts. 5-28 (except arts. 8(3)(4), 18(6), 21(8), 24(1)) substituted (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), art. 1(8), **Sch. para. 8**

Modifications etc. (not altering text)

C1 Arts. 3-28: transfer of functions (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), **arts. 1(3)**(8) (with art. 1(5))

Disposal or recovery of vehicles removed under Article 21

23.—(1) Subject to paragraphs (2) and (3), the **[**[F24]enforcement authority**]** may, in such manner as it thinks fit, dispose of a vehicle which has been removed by the **[**[F24]enforcement authority**]** under Article 21.

(2) The **[**[F24]enforcement authority **]** shall not dispose of a vehicle under paragraph (1)—

(a) before the end of the period of 35 days from the removal date; and

(b) unless—

(i) the owner of the vehicle has failed to comply with a notice served on him requiring him to remove the vehicle from the custody of the **[**[F24]enforcement authority**]** within 21 days from the date of the notice; or

(ii) the **[**[F24]enforcement authority**]** has been unable to serve such a notice.

(3) If before a vehicle is disposed of by the **[**[F24]enforcement authority**]** under paragraph (1), the vehicle is claimed by a person who satisfies the **[**[F24]enforcement authority**]** —

(a) that he is the owner of the vehicle or is acting with the authority of the owner, and

(b) that the relevant charges have been paid,

the **[**[F24]enforcement authority**]** shall permit him to remove the vehicle from its custody.

(4) If, before the expiration of one year from the date on which a vehicle is sold in pursuance of this Article, any person satisfies the **[**[F24]enforcement authority**]** that at the time of the sale he was the owner of the vehicle, the **[**[F24]enforcement authority**]** shall pay him any sum by which the proceeds of sale exceed the relevant charges.

(5) If the relevant charges exceed the proceeds of sale, the amount of the difference shall be recoverable by the **[**[F24]enforcement authority**]** from the person who was the owner of the vehicle on the removal date and Article 15(5) shall apply to that amount and any costs reasonably incurred by the **[**[F24]enforcement authority**]** as it applies in relation to a sum recoverable under that Article.

(6) The **[**[F24]enforcement authority**]** may dispose of the contents of a vehicle (including those removed from the vehicle under Article 21(6)) and references in paragraphs (4) and (5) to the proceeds of sale include any proceeds of sale of the contents.

(7) In this Article—

"relevant charges" means—

(a) the penalty charge payable if a penalty charge notice was fixed to the vehicle;

(b) any amount recoverable under Article 15 from the person who was the owner of the vehicle on the removal date; and

(c) such charges in respect of the removal and storage, and in paragraph (4) disposal, of the vehicle as may be prescribed;

"removal date" means the date on which the vehicle was removed (or first removed) under Article 21.

(8) If in the case of any vehicle it appears to the **[**[F24]enforcement authority**]** that more than one person is or was the owner of the vehicle at the time of the sale, such one of them as the **[**[F24]enforcement authority**]** thinks fit shall be treated as the owner of the vehicle for the purposes of paragraphs (3) and (4).

F24 Words in arts. 5-28 (except arts. 8(3)(4), 18(6), 21(8), 24(1)) substituted (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), art. 1(8), **Sch. para. 8**

Modifications etc. (not altering text)

C1 Arts. 3-28: transfer of functions (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), **arts. 1(3)**(8) (with art. 1(5))

Commencement Information

I5 Art. 23 wholly in force at 30.10.2006; art. 23(7) in force at 20.8.2005 see art. 1(2); art. 23(1)-(6)(8) in force at 30.10.2006 by S.R. 2006/347, **art. 2**, Sch.

Application of Articles 18 to 23 in relation to amounts recoverable under Article 15

24.—(1) The Department may make regulations modifying the application of Articles 18 to 23 in relation to amounts recoverable under Article 15.

(2) The power conferred by paragraph (1) includes power to make additional provisions.

Modifications etc. (not altering text)

C1 Arts. 3-28: transfer of functions (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), **arts. 1(3)**(8) (with art. 1(5))

Representations in relation to immobilisation or removal of vehicles

25.—(1) Where—

(a) a vehicle to which an immobilisation device has been fixed is released in accordance with Article 20;

(b) a vehicle is removed from the custody of the **[**[F25]enforcement authority **]** in accordance with Article 23(3); or

(c) the owner of a vehicle receives any sum under Article 23(4) or is informed that the proceeds of sale of the vehicle did not exceed the relevant charges,

the **[**[F25]enforcement authority**]** shall inform the relevant persons as soon as practicable in writing of their rights to make representations under this Article and of the effect of Articles 26 to 28.

(2) For the purposes of this Article the relevant persons are the owner of the vehicle and, if he is not the owner, the person who paid the relevant charges under Article 20 or 23.

(3) Where it appears to a relevant person that one or more of the relevant grounds are satisfied, he may make representations in writing to the **[**[F25]enforcement authority**]** before the end of the period of 28 days from the date on which he is informed under paragraph (1) of his right to make representations.

(4) The grounds are—

(a) in a case within paragraph (1)(a)—

(i) that an immobilisation device should not have been fixed to the vehicle because of Article 19(1); or

(ii) that the **[**[F25]enforcement authority**]** did not comply with Article 19(2);

(b) where an immobilisation device was fixed to the vehicle under Article 18(1)(a) or the vehicle was removed under Article 21(1)(a)—

(i) that there were no reasonable grounds for the traffic attendant to believe that a penalty charge was payable in respect of the vehicle;

(ii) that at the time of the alleged contravention the vehicle was in the control of a person without the consent of the owner; or

(iii) that it would be unreasonable to regard the owner as responsible for the alleged contravention because the vehicle had previously been in the control of a person without his consent;

(c) where an immobilisation device was fixed to the vehicle under Article 18(1)(b) or the vehicle was removed under Article 21(1)(b), that no amount was recoverable from the owner of the vehicle under Article 15 or that prescribed conditions mentioned in Article 18(1)(b) or 21(1)(b) were not satisfied;

(d) where the vehicle was removed under Article 21(1)(a), that the **[**[F25]enforcement authority**]** did not comply with Article 22;

(e) that the charges under Article 20(1) or 23(3)(b) exceeded the amount applicable in the circumstances of the case.

(5) The **[**[F25]enforcement authority**]** shall before the end of the period of 56 days beginning with the date on which it receives any representations under this Article—

(a) consider any representations made under this Article and any supporting evidence which the person making them provides; and

(b) serve on that person notice of its decision as to whether it accepts that the ground in question has been established.

F25 Words in arts. 5-28 (except arts. 8(3)(4), 18(6), 21(8), 24(1)) substituted (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), art. 1(8), **Sch. para. 8**

Modifications etc. (not altering text)

C1 Arts. 3-28: transfer of functions (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), **arts. 1(3)**(8) (with art. 1(5))

Refund of sums if representations accepted

26.—(1) Where the **[**[F25]enforcement authority**]** serves notice under Article 25(5)(b) that it accepts that a ground has been established, it shall (when serving that notice) refund any sums—

(a) paid under Article 20(1) or 23(3), or

(b) deducted from the proceeds of sale under Article 23(4),

except to the extent (if any) to which those sums were properly paid.

(2) Where the **[**[F25]enforcement authority**]** fails to comply with Article 25(5)(b) before the end of the period of 56 days mentioned there—

(a) the **[**[F25]enforcement authority **]** shall be taken to have accepted that the ground in question has been established and to have served notice to that effect under Article 25(5)(b); and

(b) paragraph (1) shall have effect as if it required any refund to be made immediately after the end of that period.

F25 Words in arts. 5-28 (except arts. 8(3)(4), 18(6), 21(8), 24(1)) substituted (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), art. 1(8), **Sch. para. 8**

Modifications etc. (not altering text)

C1 Arts. 3-28: transfer of functions (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), **arts. 1(3)**(8) (with art. 1(5))

Rejection of representations

27. Where the **[**[F25]enforcement authority **]** serves a notice of rejection, the notice must—

(a) inform the person on whom it is served of his right to appeal to an adjudicator under Article 28;

(b) describe in general terms the form and manner in which such an appeal must be made;

(c) indicate the nature of an adjudicator's power to award costs; and

(d) contain such other information as the **[**[F25]enforcement authority**]** considers appropriate.

F25 Words in arts. 5-28 (except arts. 8(3)(4), 18(6), 21(8), 24(1)) substituted (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), art. 1(8), **Sch. para. 8**

Modifications etc. (not altering text)

C1 Arts. 3-28: transfer of functions (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), **arts. 1(3)**(8) (with art. 1(5))

Appeal to an adjudicator

28.—(1) Where the **[**[F25]enforcement authority**]** serves a notice of rejection, the person making representations under Article 25 may appeal to an adjudicator against the enforcement authority **[**[F26]enforcement authority's**]** decision before the end of the period of 28 days from the date of that notice or such longer period as an adjudicator may allow.

(2) On an appeal under this Article, the adjudicator shall consider the representations in question and any additional representations which are made by the appellant on any of the grounds mentioned in Article 25(4).

(3) If the adjudicator concludes—

(a) that any ground has been established; and

(b) that the **[**[F25]enforcement authority**]** would have been under the duty imposed by Article 26(1) to refund any sum if it had served notice that it accepted that the ground in question had been established,

he shall serve notice of his decision on the appellant and the **[**[F25]enforcement authority**]** and shall direct the **[**[F25]enforcement authority**]** to make the necessary refund.

(4) The **[**[F25]enforcement authority**]** shall comply with any directions under paragraph (3) forthwith.

F25 Words in arts. 5-28 (except arts. 8(3)(4), 18(6), 21(8), 24(1)) substituted (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), art. 1(8), **Sch. para. 8**

F26 Words in art. 28(1) substituted (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), art. 1(8), **Sch. para. 11**

Modifications etc. (not altering text)

C1 Arts. 3-28: transfer of functions (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), **arts. 1(3)**(8) (with art. 1(5))

Adjudicators

Adjudicators

29.—(1) The **[**[F27]Northern Ireland Judicial Appointments Commission**]** may appoint persons to act as adjudicators for the purposes of this Order.

(2) A person shall not be appointed as an adjudicator unless he is a barrister or solicitor of at least five years' standing.

(3) A person shall be appointed as an adjudicator for such term not exceeding five years as may be specified in his instrument of appointment.

(4) An adjudicator shall hold and vacate office under the terms of the instrument under which he is appointed.

[[F28](4A) The term mentioned in paragraph (3) and the terms mentioned in paragraph (4) are to be determined by the Commission with the agreement of the **[**[F29]Department of Justice**].]**

(5) An adjudicator may resign office by notice in writing to the **[**[F30]Commission**]**.

(6) [F31] . . . . . .

(7) An adjudicator is eligible for re-appointment if he ceases to hold office otherwise than under **[**[F32]section 7 of the Justice (Northern Ireland) Act 2002**]**.

(8) [F33] . . . . . .

F27 Words in art. 29(1) substituted (12.4.2010) by Northern Ireland Act 2009 (c. 3), ss. 2(3), 5(7), **Sch. 4 para. 42(2)** (with Sch. 5 para. 16); S.I. 2010/812, **art. 2**

F28 Art. 29(4A) inserted (12.4.2010) by Northern Ireland Act 2009 (c. 3), ss. 2(3), 5(7), **Sch. 4 para. 42(3)** (with Sch. 5 para. 16); S.I. 2010/812, **art. 2**

F29 Words in art. 29(4A) substituted (12.4.2010) by Department of Justice Act (Northern Ireland) 2010 (c. 3), ss. 1(5), 3(2), **Sch. para. 17**; S.R. 2010/147, **art. 2(2)**

F30 Words in art. 29(5) substituted (12.4.2010) by Northern Ireland Act 2009 (c. 3), ss. 2(3), 5(7), **Sch. 4 para. 42(4)** (with Sch. 5 para. 16); S.I. 2010/812, **art. 2**

F31 Art. 29(6) omitted (12.4.2010) by virtue of Northern Ireland Act 2009 (c. 3), ss. 2(3), 5(7), **Sch. 4 para. 42(5)** (with Sch. 5 para. 16); S.I. 2010/812, **art. 2**

F32 Words in art. 29(7) substituted (12.4.2010) by Northern Ireland Act 2009 (c. 3), ss. 2(3), 5(7), **Sch. 4 para. 42(6)** (with Sch. 5 para. 16); S.I. 2010/812, **art. 2**

F33 Art. 29(8) omitted (12.4.2010) by virtue of Northern Ireland Act 2009 (c. 3), ss. 2(3), 5(7), **Sch. 4 para. 42(7)** (with Sch. 5 para. 16); S.I. 2010/812, **art. 2**

Proceedings before adjudicators

30.—(1) The Lord Chancellor may **[**[F34]after consultation with the Lord Chief Justice**]** make regulations providing for the procedure to be followed in relation to proceedings before adjudicators.

(2) The regulations may, in particular, include provision—

(a) as to the manner in which appeals to adjudicators are to be made or withdrawn;

(b) authorising an appeal to an adjudicator to be disposed of on the basis of written representations unless the appellant requests an oral hearing;

(c) as to the procedure to be followed before the hearing of an appeal by an adjudicator;

(d) requiring any such hearing to be held in public except in circumstances specified in the regulations;

(e) as to the persons entitled to appear and be heard on behalf of the parties;

(f) requiring persons to attend to give evidence and to produce documents;

(g) as to evidence at the hearing;

(h) as to the adjournment of hearings;

(i) for the award of costs in circumstances specified in the regulations;

(j) for the settlement of costs by such method as may be specified in the regulations;

(k) authorising decisions of adjudicators to be reserved;

(l) authorising or requiring adjudicators—

(i) to revise or set aside decisions;

(ii) to revoke or vary orders made by them;

(m) requiring decisions of, and orders made by, adjudicators to be recorded;

(n) as to the proof of decisions of, and orders made by, adjudicators;

(o) authorising the correction of clerical errors in records kept in accordance with the requirements of the regulations;

(p) requiring service of—

(i) notice of decisions of adjudicators;

(ii) copies of any orders made by adjudicators;

(iii) notice of any corrections made by adjudicators in their decisions or orders.

(3) Subject to any provision made by the regulations, an adjudicator may regulate his own procedure.

(4) If a person who is required—

(a) to attend a hearing held by an adjudicator; or

(b) to produce any document to an adjudicator in accordance with regulations under paragraph (1),

fails without reasonable excuse to do so, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

F34 Words in art. 30(1) inserted (14.8.2010) by Roads (Miscellaneous Provisions) Act (Northern Ireland) 2010 (c. 14), ss. 8(1), 9(1), **Sch. 2 para. 7(2)**

Further provisions relating to adjudicators

31.—(1) The Lord Chancellor shall—

(a) make arrangements for the provision of accommodation and administrative staff and facilities for adjudicators;

(b) determine the places where adjudicators are to sit; and

(c) at least once in every twelve months publish information on the discharge by the adjudicators of their functions under this Order.

(2) The Department shall defray the costs of the adjudication process (including the remuneration of the adjudicators).

[[F35](2A) The Department may pay to an adjudicator such allowances as the Department may determine.**]**

(3) An adjudicator shall provide the Lord Chancellor with such information on the discharge of his functions under this Order as the Lord Chancellor may determine.

F35 Art. 31(2A) inserted (10.3.2022 for specified purposes, 10.5.2022 in so far as not already in operation) by Public Service Pensions and Judicial Offices Act 2022 (c. 7), s. 131(1)(4)(b)(ii), **Sch. 2 para. 19**

Modifications etc. (not altering text)

C2 Art. 31(2): functions transferred (1.4.2011) from Department for Regional Development to Department of Justice by Departments (Transfer of Functions) Order (Northern Ireland) 2011 (S.R. 2011/44), arts. 1(2), **7** (with art. 8(2))

Disabled persons' badges

Disabled persons' badges

32.—(1) Section 14 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978 (c. 53) (badges for display on motor vehicles used by disabled persons) shall be amended in accordance with paragraphs (2) to (6).

(2) In subsection (4), for the word "institution" (in both places) there shall be substituted the word " organisation ".

(3) In subsection (4B), after the word "badge" where it first occurs there shall be inserted the words " purporting to be ".

(4) After subsection (4B) there shall be inserted the following subsections—

"(4BA) Where it appears to a constable or a traffic attendant that there is displayed on any motor vehicle a badge purporting to be of a form prescribed under this section, he may require any person who—

(a) is in the vehicle, or

(b) appears to have been in, or to be about to get into, the vehicle,

to produce the badge for inspection.

(4BB) The power conferred on a traffic attendant by subsection (4BA) is exercisable only for purposes connected with the discharge of his functions in relation to a stationary vehicle.

(4BC) A person who without reasonable excuse fails to produce a badge when required to do so under subsection (4BA) shall be guilty of an offence.".

(5) In subsection (4C), after the words "subsection (4B)" there shall be inserted the words " or (4BC) ".

(6) After subsection (9) there shall be added the following subsection—

"(10) Regulations under this section or section 14A may contain incidental, supplementary, transitional or consequential provisions.".

Recognition of badges issued outside Northern Ireland

33. After section 14 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978 (c. 53) there shall be inserted the following section—

"**14A Recognition of badges issued outside Northern Ireland**

(1) For the purposes of this section and section 14B, a "recognised badge" means—

(a) a badge issued under section 21 of the Chronically Sick and Disabled Persons Act 1970, or any provision replacing that section, as from time to time amended, or

(b) a badge issued under provisions of the law of any jurisdiction outside the United Kingdom that are specified in regulations made by the Department.

(2) In exercising the power under subsection (1)(b), the Department may specify a provision only if it appears to the Department that badges issued under the provision are issued by reference to persons who are, or include, disabled persons.

(3) A recognised badge may be displayed on a motor vehicle only in such circumstances and in such manner as may be prescribed by regulations made by the Department.

(4) A person who drives a motor vehicle on a road (within the meaning of the Road Traffic Regulation (Northern Ireland) Order 1997) at a time when a badge purporting to be a recognised badge is displayed on the vehicle is guilty of an offence unless the badge is a recognised badge and is displayed in accordance with regulations made under subsection (3).

(5) Where it appears to a constable or a traffic attendant that there is displayed on any motor vehicle a badge purporting to be a recognised badge, he may require any person who—

(a) is in the vehicle, or

(b) appears to have been in, or to be about to get into, the vehicle,

to produce the badge for inspection.

(6) The power conferred on a traffic attendant by subsection (5) is exercisable only for purposes connected with the discharge of his functions in relation to a stationary vehicle.

(7) A person who without reasonable excuse fails to produce a badge when required to do so under subsection (5) shall be guilty of an offence.

(8) A person guilty of an offence under subsection (4) or (7) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(9) The concessions mentioned in subsection (10) shall apply in respect of vehicles lawfully displaying a recognised badge as they apply in respect of vehicles lawfully displaying a badge issued under section 14.

(10) The concessions are—

(a) any exemption from an order under the Road Traffic Regulation (Northern Ireland) Order 1997 given by reference to vehicles lawfully displaying a badge issued under section 14;

(b) any provision made in an order under that Order for the use of a parking place by such vehicles.

(11) The Department may by regulations provide that recognised badges are to be treated, for purposes specified in the regulations, as if they were badges issued under section 14.".

Wrongful use of badges

34. After section 14A of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978 (c. 53) (inserted by Article 33) there shall be inserted the following section—

"**14B Wrongful use of badge**

(1) A person who at any time contravenes any provision of an order under the Road Traffic Regulation (Northern Ireland) Order 1997 relating to the parking of motor vehicles is also guilty of an offence under this subsection if at that time—

(a) there was displayed on the motor vehicle in question a badge purporting to be of a form prescribed under section 14, and

(b) he was using the vehicle in circumstances where a disabled person's concession would be available to a vehicle lawfully displaying a badge issued under that section,

but he shall not be guilty of an offence under this subsection if the badge was issued under that section and displayed in accordance with regulations made under it.

(2) A person who at any time contravenes any provision of an order under the Road Traffic Regulation (Northern Ireland) Order 1997 relating to the parking of motor vehicles is also guilty of an offence under this subsection if at that time—

(a) there was displayed on the motor vehicle in question a badge purporting to be a recognised badge, and

(b) he was using the vehicle in circumstances where a concession would, by virtue of section 14A(9) to (11), be available to a vehicle lawfully displaying a recognised badge,

but he shall not be guilty of an offence under this subsection if the badge was a recognised badge and displayed in accordance with regulations made under section 14A.

(3) A person guilty of an offence under subsection (1) or (2) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(4) In this section "disabled person's concession" means—

(a) an exemption from an order under the Road Traffic Regulation (Northern Ireland) Order 1997 given by reference to vehicles lawfully displaying a badge issued under section 14; or

(b) a provision made in any order under that Order for the use of a parking place by such vehicles.".

Consequential provision

35. In Article 44(2) of the 1997 Order (powers of traffic wardens), for sub-paragraph (d) there shall be substituted the following sub-paragraph—

"(d) sections 14(4BA) and 14A(5) of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978.".

Maps

Maps

36.—(1) The Department may prepare a map for the purposes of any—

(a) traffic regulation order;

(b) parking place order; or

(c) extinguishment order.

(2) The Department shall ensure that any map to which reference is made by a traffic regulation order, a parking place order or an extinguishment order is—

(a) available for inspection by the public; and

(b) preserved for record purposes.

(3) In this Article—

"extinguishment order" means—

(a) an order made, or which the Department proposes to make, under Article 100(1) of the Planning (Northern Ireland) Order 1991 (NI 11);

(b) any provision having effect as if so made;

"map" includes a map in electronic form;

"parking place order" means—

(a) an order made, or which the Department proposes to make, under Article 10(4) or 15(1) of the 1997 Order;

(b) any provision having effect as if so made;

"traffic regulation order" means—

(a) an order made, or which the Department proposes to make, under Article 4 of the 1997 Order;

(b) any prohibition or restriction having effect, or which the Department intends to impose, under Part III of the 1997 Order;

(c) such other provisions of a similar nature as the Department considers appropriate.

Use of maps in certain orders

37.—(1) In Article 4 of the 1997 Order, after paragraph (4) there shall be inserted the following paragraph—

"(4A) A traffic regulation order may—

(a) specify any public road or any area by reference to a map prepared under Article 36 of the Traffic Management (Northern Ireland) Order 2005 which is not part of the order; and

(b) provide that the order shall have effect as if the map were part of the order.".

(2) In Article 10 of the 1997 Order (power of Department to provide parking places), after paragraph (6) there shall be inserted the following paragraph—

"(6A) An order under paragraph (4) may—

(a) specify any road by reference to a map prepared under Article 36 of the Traffic Management (Northern Ireland) Order 2005 which is not part of the order; and

(b) provide that the order shall have effect as if the map were part of the order.".

(3) In Article 15 of the 1997 Order (designation of parking places on roads for which charges may be made), after paragraph (4) there shall be inserted the following paragraph—

"(4A) An order under paragraph (1) may—

(a) designate a parking place or specify a public road by reference to a map prepared under Article 36 of the Traffic Management (Northern Ireland) Order 2005 which is not part of the order; and

(b) provide that the order shall have effect as if the map were part of the order.".

Miscellaneous

Acquisition of land for purposes of functions of Department under this Order or 1997 Order

38.—(1) In Article 110(1) of the Roads (Northern Ireland) Order 1993 (NI 15) (acquisition of land for purposes of functions of Department under that Order), after the words "this Order" there shall be inserted the words " the Road Traffic Regulation (Northern Ireland) Order 1997 or the Traffic Management (Northern Ireland) Order 2005, ".

(2) In Article 118(1) of that Order (power to obtain information as to ownership of land), after the words "this Order" there shall be inserted the words " the Road Traffic Regulation (Northern Ireland) Order 1997 or the Traffic Management (Northern Ireland) Order 2005, ".

[F36 Acquisition of land for purposes of council's functions under this Order

38A A district council may acquire by agreement or compulsorily any land required for the purposes of its functions under this Order.]

F36 Art. 38A inserted (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), art. 1(8), **Sch. para. 12**

Parking charges

39. The following provisions of the 1997 Order (provisions for different kinds of charges for the use of parking places) shall cease to have effect—

(a) in Article 2(2), the definitions of "excess charge" and "initial charge";

(b) Article 13(3) and (4);

(c) Article 14(3)(b);

(d) Article 16(1); and

(e) in Article 19—

(i) in paragraph (1)(a)(ii), the words "after the excess charge has been incurred"; and

(ii) paragraph (7).

Disposal of abandoned vehicles under 1997 Order

40.—(1) Article 52 of the 1997 Order (disposal of abandoned vehicles by Department) shall be amended as follows.

(2) In paragraph (1), after the words "13 or 15" there shall be added the words " or of Article 21 of the Traffic Management (Northern Ireland) Order 2005 ".

(3) In paragraph (4)(b), for the words "such sums as may reasonably have been incurred in respect of the removal and storage of the vehicle" there shall be substituted the words " the relevant charges ".

(4) In paragraph (5), for the words "reasonable costs of the removal, storage and disposal of the vehicle" there shall be substituted " relevant charges ".

(5) After paragraph (6) there shall be added the following paragraph—

"(7) In paragraphs (4) and (5) "relevant charges" means—

(a) any penalty charge payable in respect of the vehicle;

(b) any sum recoverable from the owner of the vehicle;

(c) the reasonable costs of the removal and storage of the vehicle; and

(d) in paragraph (5) the reasonable costs of the disposal of the vehicle.”.

Procedure for making traffic regulation orders, etc.

41.—(1) Schedule 1 to the 1997 Order (traffic regulation orders) shall be amended as follows.

(2) In paragraph 3 (publication of notice before making traffic regulation order)—

(a) in sub-paragraph (2)—

(i) in head (c), after the words “any road” there shall be inserted the words “ or area ”;

(ii) in head (d), the words “in that area” shall cease to have effect;

(b) in sub-paragraph (5)—

(i) the words “in respect of a road” shall cease to have effect;

(ii) for the words “area in which the road is situated” there shall be substituted the words “ district where the order will apply ”.

(3) In paragraph 6(1)(b) (publication of notice after traffic regulation order is made), for the words “area in which any road to which the order relates is situated” there shall be substituted the words “ district where the order applies ”.

(4) Schedule 2 which makes similar amendments of Schedules 2 to 6 to the 1997 Order shall have effect.

Relationship between traffic regulation orders and earlier provisions

42.—(1) The power of the Department to make any provision under Article 4 of the 1997 Order (traffic regulation orders) includes, and shall be deemed always to have included, any power conferred by Article 21 or 22 of the 1981 Order (powers to control traffic).

(2) Without prejudice to paragraph (1), a traffic regulation order may amend, revoke or reproduce with or without modifications any provision to which paragraph (4) applies.

(3) Paragraph 1(1) of Schedule 1 to the 1997 Order (procedure for making traffic regulation orders) shall not require the Department to comply with paragraphs 2 and 3 of that Schedule (consultation and publication of notices) in respect of any provision of a traffic regulation order which revokes or reproduces with or without modifications any provision to which paragraph (4) applies.

(4) This paragraph applies to any provision which was—

(a) made under Article 21 or 22 of the 1981 Order, or

(b) had effect, immediately before the commencement of Article 4 of the 1997 Order, as if made under Article 21 or 22 of the 1981 Order.

(5) Any reference in the 1997 Order to a traffic regulation order includes, and shall be deemed always to have included, any provision to which paragraph (4) applies.

(6) In this Article—

“1981 Order” means the Road Traffic (Northern Ireland) Order 1981 (NI 1);

“traffic regulation order” means an order under Article 4 of the 1997 Order.

Power to make consequential amendments of traffic regulation orders, etc.

43. The Department may by order make such amendments or revocations as appear to it necessary or expedient in consequence of this Order—

(a) of any provision made under Article 4, 10, 13 or 15 of the 1997 Order (traffic regulation orders and orders relating to parking places); or

(b) of any provision to which Article 42(4) applies (provisions under earlier legislation).

False representations

44. A person who makes a representation under this Order which is false in a material particular and does so recklessly or knowing it to be false shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Service of documents

45. For the purposes of this Order section 24 of the Interpretation Act (Northern Ireland) 1954 (c. 33) (service of documents) shall apply as if the word "registering" were omitted from subsection (1).

Regulations

46.—(1) [F37]. . . Regulations made under this Order shall be subject to negative resolution.

(2) [F38]. . . . . .

F37 Words in art. 46(1) omitted (12.4.2010) by virtue of Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 15(5), **Sch. 18 para. 164(2)(a)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

F38 Art. 46(2) omitted (12.4.2010) by virtue of Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 15(5), **Sch. 18 para. 164(2)(b)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

Repeals

47. The statutory provisions specified in Schedule 3 are hereby repealed to the extent specified in the second column of that Schedule.

Commencement Information

I6 Art. 47 wholly in force at 30.10.2006; art. 47 in force for certain purposes at 20.8.2005 see art. 1(2); and wholly in force at 30.10.2006 by S.R. 2006/347, **art. 2**, Sch.

A. K. Galloway
Clerk of the Privy Council

Changes to legislation:
There are currently no known outstanding effects for the The Traffic Management (Northern Ireland) Order 2005.