
STATUTORY INSTRUMENTS

1981 No. 154

Road Traffic (Northern Ireland) Order 1981

PART VII

FOREIGN VEHICLES

Power in certain cases to prohibit driving of foreign vehicles

84.—(1) The provisions of this Article shall have effect with respect to any foreign goods vehicle or foreign public service vehicle where an authorised officer exercises, in relation to the vehicle or its driver, any functions under a statutory provision specified in the first column of Schedule 1^{F1} or any functions of the authorised inspecting officer under a Community instrument specified in the first column of that Schedule.]

(2) If in any such case as is mentioned in paragraph (1)—

- (a) the driver obstructs the authorised officer in the exercise of his functions under the statutory provision in question, or refuses, neglects or otherwise fails to comply with any requirement made by the authorised officer under that provision; or
- (b) it appears to the authorised officer that, in relation to the vehicle or its driver, there has been a contravention of any of the statutory provisions ^{F2}or the provision of the EU instrument] specified in the first column of Schedule 2, or that there will be such a contravention if the vehicle is driven on a road,

the authorised officer may prohibit the driving of the vehicle on a road, either absolutely or for a specified purpose, and either for a specified period or without any limitation of time.

(3) Where an authorised officer prohibits the driving of a vehicle under this Article, he may also direct the driver to remove the vehicle (and, if it is a motor vehicle drawing a trailer, also to remove the trailer) to such place and subject to such conditions as are specified in the direction; and the prohibition shall not apply to the removal of the vehicle in accordance with that direction.

(4) Where a prohibition is imposed under paragraph (2) the authorised officer shall forthwith give notice in writing of the prohibition to the driver of the vehicle, specifying the circumstances (as mentioned in sub-paragraph (a) or (b) of that paragraph) in consequence of which the prohibition is imposed, and stating—

- (a) whether the prohibition is on all driving of the vehicle or only on driving it for a specified purpose (and, if the latter, specifying the purpose), and
- (b) whether it is imposed only for a specified period (and, if so, specifying the period) or without limitation of time;

and any direction under paragraph (3) may be given either in that notice or in a separate notice in writing given to the driver of the vehicle.

F1 SR 2003/515

F2 Words in art. 84(2)(b) inserted (28.3.2019) by [The Public Service Vehicles \(International Passenger Services\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/27\)](#), regs. 1, **14(2)**

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Provisions supplementary to Article 84

85.—(1) A prohibition under Article 84 shall come into force as soon as notice of it has been given in accordance with paragraph (4) of that Article, and shall continue in force until it is removed under the following provisions of this Article (or, in the case of a prohibition imposed only for a specified period, shall continue in force until either it is removed under this Article or that period expires, whichever first occurs).

(2) A prohibition under paragraph (2) of Article 84 may be removed by any authorised officer if he is satisfied that appropriate action has been taken to remove or remedy the circumstances (as mentioned in sub-paragraph (a) or (b) of that paragraph) in consequence of which the prohibition was imposed; and on doing so the authorised officer shall forthwith give notice in writing of the removal of the prohibition to the driver of the vehicle.

(3) In the exercise of his functions under Article 84 or this Article an authorised officer, other than a constable, shall act in accordance with any general directions given by the Department.

Enforcement provisions

86.—(1) Any person who—

- (a) drives a vehicle on a road in contravention of a prohibition imposed under Article 84;
- (b) causes or permits a vehicle to be driven on a road in contravention of such a prohibition; or
- (c) refuses, neglects or otherwise fails to comply within a reasonable time with a direction given under paragraph (3) of that Article,

shall be guilty of an offence under this Order.

Para. (2) rep. by 1989 NI 12

(3) Where a constable in uniform has reasonable cause to suspect the driver of a vehicle of having committed an offence under paragraph (1), the constable may detain the vehicle, and for that purpose may give a direction, specifying an appropriate person and directing the vehicle to be removed by that person to such place and subject to such conditions as are specified in the direction; and the prohibition shall not apply to the removal of the vehicle in accordance with that direction.

(4) Where under paragraph (3) a constable—

- (a) detains a motor vehicle drawing a trailer; or
- (b) detains a trailer drawn by a motor vehicle;

then, for the purpose of securing the removal of the trailer, he may also (in a case falling within sub-paragraph (a)) detain the trailer or (in a case falling within sub-paragraph (b)) detain the motor vehicle; and a direction under paragraph (3) may require both the motor vehicle and the trailer to be removed to the place specified in the direction.

(5) A vehicle which, in accordance with a direction given under paragraph (3), is removed to a place specified in the direction shall be detained in that place, or in any other place to which it is removed in accordance with a further direction given under that paragraph, until a constable (or, if that place is in the occupation of the Department, the Department) authorises the vehicle to be released on being satisfied—

- (a) that the prohibition (if any) imposed in respect of the vehicle under Article 84 has been removed, or that no such prohibition was imposed;
- (b) that appropriate arrangements have been made for removing or remedying the circumstances in consequence of which any such prohibition was imposed;
- (c) that the vehicle will be taken forthwith to a place from which it will be taken out of Northern Ireland; or

- (d) in the case of a vehicle detained under paragraph (4) that (in the case of a motor vehicle) the purpose for which it was detained has been fulfilled or (in the case of a trailer) it is no longer necessary to detain it for the purpose of safeguarding the trailer or its load.

- (6) Any person who—

- (a) drives a vehicle in accordance with a direction given under this Article; or
- (b) is in charge of a place at which a vehicle is detained under paragraph (5),

shall not be liable for any damage to, or loss in respect of, the vehicle or its load unless it is shown that he did not take reasonable care of the vehicle while driving it or, as the case may be, did not, while the vehicle was detained in that place, take reasonable care of the vehicle or (if the vehicle was detained there with its load) did not take reasonable care of its load.

- (7) In this Article “appropriate person”

- (a) in relation to a direction to remove a motor vehicle, other than a motor vehicle drawing a trailer, means a person licensed to drive vehicles of the class to which the vehicle belongs, and
- (b) in relation to a direction to remove a trailer, or to remove a motor vehicle drawing a trailer, means a person licensed to drive vehicles of a class which, when the direction is complied with, will include the motor vehicle drawing the trailer in accordance with that direction.

Production of certain documents

87.—(1) Paragraph (2) shall have effect in relation to a vehicle where it appears to an authorised officer that the vehicle—

- (a) is a foreign goods vehicle, or
- (b) is a foreign public service vehicle,

which has been brought into Northern Ireland and is being used, or which has been brought into Northern Ireland for the purposes of being used, in such circumstances as, by virtue of regulations for the time being in force under section 45 of the Transport Act (Northern Ireland) 1967 [^{F3}or section 57 of the Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010,], to require a document of a description specified in the regulations to be carried on it.

(2) In the circumstances mentioned in paragraph (1) an authorised officer, on production, if so required, of his authority—

- (a) may require the driver of the vehicle to produce a document of the description in question and to permit the authorised officer to inspect and copy it, and
- (b) may detain the vehicle for such time as is requisite for the purpose of inspecting and copying the document,

and, if the driver refuses or fails to comply with any such requirement (including any case where he does so by reason that no such document is carried on the vehicle), the authorised officer may prohibit the driving of the vehicle on a road, either absolutely or for a specified purpose, and either for a specified period or without limitation of time.

(3) In paragraphs (3) and (4) of Article 84 and in Articles 85 and 86 any reference to a prohibition imposed under Article 84 shall be construed as including a reference to a prohibition imposed under this Article; and, in relation to a prohibition imposed under this Article, so much of Article 84(4) or of Article 85(2) as relates to the circumstances in consequence of which the prohibition was imposed shall be read subject to the appropriate modifications.

F3 Words in art. 87(1) inserted (1.7.2012) by Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010 (c. 2), s. 60(2), Sch. 3 para. 10; S.R. 2012/262, art. 2 (with arts. 4-6)

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Application of^{F4} Articles 86 and 87 of the Order of 1995] to foreign vehicles on harbour land

88.—(1) The powers conferred by^{F4} Article 86(1) of the Order of 1995 (whereby an authorised person] is empowered to require the person in charge of a motor vehicle to allow the vehicle or any trailer drawn by the vehicle to be weighed, and the weight transmitted to the road by any parts of the vehicle or trailer in contact with the road to be tested, and for that purpose to proceed to a weighbridge or other machine for weighing vehicles) shall be exercisable in relation to the person in charge of a motor vehicle which is a foreign goods vehicle or a foreign public service vehicle and is for the time being on land to which this Article applies, whether that land is or is not a road, and whether apart from this Article those powers would be so exercisable or not; and any reference in^{F4} Article 86 or 87 of the Order of 1995] to those powers or to such a requirement shall be construed accordingly.

(2) This Article applies to any land which forms part of a harbour or which is adjacent to a harbour and is occupied wholly or partly for the purposes of harbour operations.

(3) In this Article “harbour” and “harbour operations” have the meanings assigned to them by section 38(1) of the Harbours Act (Northern Ireland) 1970 .

F4 1995 NI 18

Interpretation and transitional provisions

89.—(1) In this Part—

“authorised officer” means—

- (a) [^{F5}an examiner appointed under Article 74 of the Order of 1995,]
Sub-para. (b) rep. by 1995 NI 18
- (c) an officer of the Department who is authorised by the Department for the purposes of Article 64,
- (d) an authorised inspection officer for the purposes of any relevant Community provision,
- (e) a constable, and
- (f) [^{F5}in relation to functions under Articles 86 and 87 of the Order of 1995, an authorised person within the meaning of Article 86 of that Order;]

“driver”

- (a) in relation to a motor vehicle, includes any person who is in charge of the vehicle, and, if a separate person acts as steersman, includes that person as well as any other person in charge of the vehicle or engaged in the driving of it, and
- (b) in relation to a trailer, means any person who (in accordance with paragraph (a) of this definition) is the driver of the motor vehicle by which the trailer is drawn;

“foreign goods vehicle” means a goods vehicle—

- (a) which has been brought temporarily into Northern Ireland and does not remain in Northern Ireland for more than 3 months,
- (b) which is engaged in carrying goods by road on a journey some part of which has taken place, or will take place, outside the United Kingdom,
- (c) which is not used at any time during the said journey for the carriage of goods loaded at one place in the United Kingdom and delivered at another place in the United Kingdom;

“foreign public service vehicle” means a public service vehicle which has been brought into Northern Ireland and is not registered in the United Kingdom.

(2) In this Part any reference to driving a vehicle shall, in relation to a trailer, be construed as a reference to driving the motor vehicle by which the trailer is drawn.

(3) In this Part any reference to a motor vehicle drawing a trailer, or to a motor vehicle by which a trailer is drawn, shall be construed as a reference to a motor vehicle to which a trailer is attached for the purpose of being drawn by it; and where, for the purpose of being drawn by a motor vehicle, two or more trailers (one of which is attached to the motor vehicle) are attached to each other, the motor vehicle shall for the purposes of this Part be treated as drawing each of those trailers.

(4) For the purposes of this Part a motor vehicle which does not for the time being have exhibited on it a licence or trade plates issued under^[F6] the Vehicle Excise and Registration Act 1994] shall be presumed, unless the contrary is proved, not to be registered in the United Kingdom.

(5) Where, in accordance with paragraph (4), a motor vehicle is presumed not to be registered in the United Kingdom, but is subsequently proved to have been so registered, anything which—

- (a) has been done in relation to the vehicle, or in relation to a trailer drawn by it, by a person relying in good faith on that presumption and purporting to act by virtue of any provision of^[F5] the Road Traffic Orders], and
- (b) would have been lawfully done by virtue of that provision if the vehicle had not been registered in the United Kingdom,

shall be treated as having been lawfully done by virtue of that provision.

F5 1995 NI 18

F6 1994 c.22

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