
STATUTORY INSTRUMENTS

1981 No. 154 (N.I. 1)

NORTHERN IRELAND

The Road Traffic (Northern Ireland) Order 1981

Laid before Parliament in draft

Made - - - - 10th February 1981

Coming into Operation in accordance with Article 1



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At the Court at Buckingham Palace, the 10th day of February 1981

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974 (a) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

PART I

INTRODUCTORY

Title and commencement

1.—(1) This Order may be cited as the Road Traffic (Northern Ireland) Order 1981.

(2) Subject to paragraph (3), this Order shall come into operation on the expiration of the period of one month from the date on which it is made.

(3) The following provisions of this Order shall come into operation on such day or days as the Head of the Department may by order appoint, namely—

(a) 1974 c. 28.

in Article 6, paragraphs (3) and (4) (and the references to paragraph (3) in paragraph (2));

Article 7;

in Article 12, paragraph (4);

Article 67;

Article 68; and

Article 201;

but an order bringing Article 201 into operation shall not be made unless and until a draft thereof has been approved by resolution of the Assembly.

(4) The Head of the Department may by order appoint a day for the purposes of Article 93 (1).

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 (a) shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“applicable Community rules” means any directly applicable Community provision for the time being in force about the driving of road vehicles;

“appointed day” means, in relation to any provision of this Order, the day appointed under Article 1 for the purposes of that provision;

“bridge authority” means the authority or person responsible for the maintenance of a bridge;

“carriage of goods” includes the haulage of goods;

“certificate of insurance” has the meaning assigned to it by Article 92 (4);

“constable” does not include a member of the Naval, Military or Royal Air Force Police;

“Department” means the Department of the Environment;

“domestic drivers’ hours code” has the meaning given by Article 56 (6);

“driver” includes any person engaged in the driving of a vehicle and where any person acts as steersman of the vehicle, includes that person;

“driving licence” means a licence to drive a motor vehicle granted under Article 12;

“dual purpose vehicle” means a vehicle constructed or adapted for the carriage both of passengers and of goods or burden of any description, being a vehicle of which the unladen weight does not exceed 2040 kilograms, and which either—

(i) is so constructed or adapted that the driving power of the engine is, or by the appropriate use of the controls of the vehicle can be, transmitted to all the wheels of the vehicle, or

(ii) satisfies the following conditions as to construction, namely—

(a) the vehicle must be permanently fitted with a rigid roof, with or without a sliding panel;

(b) the area of the vehicle to the rear of the driver’s seat must—

(i) be permanently fitted with at least one row of transverse seats (fixed or folding) for two or more passengers and those seats must be properly sprung or cushioned and provided with upholstered back-

(a) 1954 c. 33 (N.I.).

rests, attached either to the seats or to a side or the floor of the vehicle; and

(ii) be lit on each side and at the rear by a window or windows of glass or other transparent material having an area or aggregate area of not less than 1850 square centimetres on each side and not less than 770 square centimetres at the rear;

(c) the distance between the rearmost part of the steering wheel and the back-rests of the row of transverse seats satisfying the requirements specified in head (b) (i) (or, if there is more than one such row of seats, the distance between the rearmost part of the steering wheel and the back-rests of the rearmost such row) must, when the seats are ready for use, be not less than one-third of the distance between the rearmost part of the steering wheel and the rearmost part of the floor of the vehicle;

“enactment” includes any order, regulation, rule, bye-law or other instrument made under a statutory provision;

“goods” includes goods or burden of any description;

“goods vehicle” means a motor vehicle constructed or adapted for use for the carriage of goods, or a trailer so constructed or adapted;

“goods vehicle certificate” means a certificate granted under Article 54;

“heavy locomotive” has the meaning assigned to it by Article 37 (1) (a);

“heavy motor car” has the meaning assigned to it by Article 37 (1) (d);

“hours of darkness” means the time between half an hour after sunset and half an hour before sunrise;

“hovercraft” has the meaning given in section 4 (1) of the Hovercraft Act 1968 (a);

“inspector of vehicles” means a person appointed by the Department as an inspector of vehicles for the purposes of any provision of this Order;

“invalid carriage” has the meaning assigned to it by Article 37 (1) (g);

“lamp” includes a tail light;

“light locomotive” has the meaning assigned to it by Article 37 (1) (b);

“motor car” has the meaning assigned to it by Article 37 (1) (e);

“motor cycle” has the meaning assigned to it by Article 37 (1) (f);

“motor tractor” has the meaning assigned to it by Article 37 (1) (c);

“motor vehicle” means a mechanically-propelled vehicle (not being a tramcar or other vehicle running on permanent rails, or a trolley vehicle) which is intended or adapted for use on roads;

“obligatory headlamps” means the lamps referred to in Article 38 (2);

“owner” means the person by whom a vehicle is kept and used, and, in relation to a vehicle which is the subject of a hire-purchase agreement, means the person in possession of the vehicle under that agreement;

“parking attendant” has the meaning assigned to it by Article 114 (3);

“parking place” means a place where vehicles or vehicles of any particular class or description may wait;

(a) 1968 c. 59.

- “pedal cycle” means a bicycle or tricycle which is designed and constructed for propulsion solely by the physical exertions of a person or persons seated thereon;
- “prescribed” means prescribed by regulations;
- “provisional licence” includes a licence granted under Article 8 for the purpose of enabling a person to learn to drive a motor vehicle with a view to passing a prescribed test;
- “public road” includes any part of a public road and any bridge or tunnel over or through which a public road passes;
- “public service vehicle” means a motor vehicle or a trolley vehicle used in standing or plying for hire, or used to carry passengers for hire, but does not include any vehicle in respect of which a certificate of exemption in the prescribed form has been issued by the Department;
- “rear lamps” means the lamps referred to in Article 38 (1) (b);
- “reckonable year” means, in relation to any person, a period of twelve months during which that person is not disqualified for holding or obtaining a driving licence;
- “relevant Community provision” means any Community provision for the time being in force about the driving of road vehicles, whether directly applicable or not;
- “road” includes a public road and any street, carriageway, highway or roadway to which the public has access;
- “side lamps” means the lamps referred to in Article 38 (1) (a);
- “special provisional licence” means a licence granted under Article 8 (3);
- “statutory provision” has the meaning assigned to it by section 1 (f) of the Interpretation Act (Northern Ireland) 1954;
- “tail light” means, in relation to any vehicle, any lamp carried attached to the vehicle for the purpose of showing a red light to the rear in accordance with this Order and any regulations made under this Order;
- “the test” has the meaning assigned to it by Article 5 (2);
- “traffic” includes the passage of animals on a road;
- “traffic sign” means any sign, notice, roadway marking or object or device of any kind, whether mechanical or otherwise and whether fixed or portable, for conveying to traffic on roads, or any class or description of such traffic, warnings, directions, guidance, information, requirements, restrictions or prohibitions;
- “trailer” means a vehicle drawn by a motor vehicle;
- “trolley vehicle” means a mechanically-propelled vehicle adapted for use without rails upon roads and moved by power transmitted to the vehicle from some external source;
- “trunk road” has the meaning given in Article 2 (2) of the Roads (Northern Ireland) Order 1980 (a);
- “vehicle” includes a pedal cycle and a trailer.

(3) For the purposes of this Order, the weight unladen of any vehicle shall be taken to be the weight of the vehicle inclusive of the body and all parts (the heavier being taken where alternative bodies or parts are used) which are necessary to or ordinarily used with the vehicle when working on a road, but exclusive of the weight of water, fuel or accumulators (other than boilers) used

(a) S.I. 1980/1085 (N.I. 11).

for the purpose of the supply of power for the propulsion of the vehicle, and of loose tools and loose equipment.

(4) Any reference in this Order to a class of motor vehicle shall include a reference to a subdivision of such a class.

(5) For the purposes of section 42 (2) of the Northern Ireland Constitution Act 1973 (a) (validity of Acts of the Parliament of Northern Ireland), provisions of this Order which re-enact provisions of an Act of the Parliament of Northern Ireland shall be deemed to be provisions of such an Act.

(6) Provisions of this Order which re-enact provisions of orders or regulations made under any statutory provision shall have no greater effect by virtue of their re-enactment.

PART II

GENERAL PROVISIONS AS TO REGULATION OF DRIVERS OF MOTOR VEHICLES

Prohibition on driving without a licence

3.—(1) Subject to paragraph (2), a person shall not drive a motor vehicle on a road unless he is the holder of a driving licence or a provisional licence to drive a vehicle of the class or description to which that vehicle belongs, and a person shall not cause or permit another person to drive a motor vehicle on a road unless that other person is the holder of such a licence.

(2) A person who is not the holder of a driving licence or a provisional licence may act, and may be caused or permitted to act, as steersman of a motor vehicle which is controlled by a pedestrian and not constructed or adapted for use, or used, for the carriage of a driver or passenger.

(3) Any person who acts in contravention of this Article shall be guilty of an offence under this Order.

Disqualification of persons under age for holding or obtaining licence

4.—(1) A person shall be disqualified for holding or obtaining either a driving licence or a provisional licence to drive a motor vehicle of a class specified in the following Table if he is under the age specified in relation thereto in the second column of that Table.

TABLE

	<i>Class of vehicle</i>	<i>Age (in years)</i>
1.	Invalid carriage	16
2.	Motor cycle	16
3.	Small passenger vehicle or small goods vehicle	17
4.	Agricultural tractor	17
5.	Medium-sized goods vehicle	18
6.	Other motor vehicles	21

(2) The Department may by regulations provide that paragraph (1) shall have effect as if for the classes of vehicles and the ages specified in the Table thereto there were substituted different classes of vehicles and ages or different classes of vehicles or different ages.

(a) 1973 c. 36.

- (3) Subject to paragraph (4), regulations under paragraph (2) may—
- (a) apply to persons of a class specified in or under the regulations;
 - (b) apply in circumstances so specified;
 - (c) impose conditions or create exemptions or provide for the imposition of conditions or the creation of exemptions;
 - (d) contain such transitional and supplemental provisions (including provisions amending Article 19 or 79) as the Department considers necessary or expedient.

(4) For the purpose of defining the class of persons to whom, the class of vehicles to which, the circumstances in which or the conditions subject to which regulations under paragraph (2) are to apply where an approved training scheme for drivers is in force, it shall be sufficient for the regulations to refer to a document which embodies the terms (or any of the terms) of the scheme or to a document which is in force in pursuance of the scheme.

(5) In paragraph (4)—

“approved” means approved for the time being by the Department for the purpose of regulations under paragraph (2);

“training scheme for drivers” means a scheme for training persons to drive vehicles of a class in relation to which the age which is in force under this Article but apart from any such scheme is 21 years.

(6) No approved training scheme for drivers shall be amended without the approval of the Department.

Form and application of licences

5.—(1) Driving licences and provisional licences shall be in such form as the Department may determine, and where the applicant is subject to any condition or restriction with respect to the driving of any class or description of motor vehicle that condition or restriction shall be specified on the licence.

(2) Where the prescribed test of competence (in this Order referred to as “the test”) to drive motor vehicles is passed with respect only to the driving of any specified class or description of vehicles, the driving licence shall specify that class or description of vehicles, and the holder thereof shall not, subject to paragraph (3), be deemed by reason of the driving licence to be licensed to drive motor vehicles of any other class or description, unless and except to the extent that regulations made under Article 18 (i) or (j) make provision to the contrary or unless the Department prescribes that the holder shall be deemed to have passed a test in respect of any class or description of vehicle which includes the first-mentioned class or description.

(3) Subject to paragraph (4), a driving licence which, apart from this paragraph, authorises its holder to drive motor vehicles of certain classes or descriptions only shall also authorise him to drive motor vehicles of all other classes or descriptions subject to the same conditions and restrictions as if he were authorised by a provisional licence to drive the last-mentioned vehicles; but a driving licence shall not by virtue of this paragraph authorise a person to drive—

- (a) a vehicle of a class for the driving of which he could not, by reason of the provisions of Article 4, lawfully hold a licence; or
- (b) such a motor cycle as is mentioned in Article 10 unless he has passed the test there mentioned.

(4) In such cases as the Department may prescribe, the provisions of paragraph (3) shall not apply or shall apply subject to such limitations as the Department may prescribe.

(5) In paragraph (3), the first reference to a driving licence does not include a reference to a driving licence granted before 1st April 1975.

(6) A person who fails to comply with any condition or restriction applicable to him by virtue of paragraph (3) shall be guilty of an offence under this Order.

Physical fitness of applicants for licences

6.—(1) On an application for a driving licence or a provisional licence the applicant shall make a declaration in such form as the Department may require stating whether or not he is suffering, or has at any time (or, if a period is prescribed for the purposes of this paragraph, has during that period) suffered, from any prescribed disease or physical disability, or from any other disease or physical disability which would be likely to cause the driving by him of a motor vehicle, being a vehicle of such a class or description as he would be authorised by the licence to drive, to be a source of danger to the public.

(2) If it appears from the declaration, or if on inquiry the Department is satisfied from other information, that the applicant is suffering from a relevant disease or physical disability the Department shall refuse to grant the licence, so, however, that—

- (a) a licence limited to driving an invalid carriage may be granted to the applicant if the Department is satisfied that he is fit to drive such a carriage;
- (b) except in the case of such diseases and physical disabilities as may be prescribed, the applicant may, on payment of the prescribed fee, claim to be subjected to the test, and, subject to paragraph (3), if he passes the test and is not otherwise disqualified the licence shall not be refused by reason only of the provisions of this paragraph but if the test proves his fitness to drive vehicles of a particular construction or design only, the licence shall be limited to the driving of such vehicles;
- (c) if on the application for a driving licence the applicant makes a declaration that on the occasion of a previous application by him a driving licence was granted to him after passing the test, subject to paragraph (3), a further test shall not be required, unless from the declaration as to physical fitness made by him for the purposes of his application, or from information received by the Department, it appears that the disease or physical disability from which the applicant is suffering has become more acute, or that the applicant is suffering from some disease or physical disability which was not disclosed on the previous occasion or which was contracted since that occasion;
- (d) a licence shall not be refused on account of a relevant disease or physical disability which is prescribed for the purposes of this sub-paragraph, if the applicant satisfies such conditions as may be prescribed with a view to authorising the grant of a licence to a person in whose case the disease or physical disability is appropriately controlled.

(3) If it appears to the Department that an applicant may be suffering from any relevant disease or physical disability then, before permitting or requiring the applicant to be subjected to the test or to a further test, the Department may require the applicant, as soon as practicable, to submit himself for examination by such medical practitioner or practitioners as may be nominated by the Department.

(4) The Department shall defray any fees or other reasonable expenses of a medical practitioner in connection with any examination which a person is required to undergo under paragraph (3).

(5) In this Article and Article 7 “relevant disease or physical disability” means such a disease or physical disability as is mentioned in paragraph (1).

Provision of information, etc., relating to diseases and disabilities

7.—(1) If at any time during the period for which his licence remains in force, a licence holder becomes aware—

- (a) that he is suffering from a relevant disease or physical disability which he has not previously disclosed to the Department, or
- (b) that a relevant disease or physical disability from which he has at any time suffered (and which has been previously so disclosed) has become more acute since the licence was granted,

then, unless the disease or physical disability is one from which the licence holder has not previously suffered and he has reasonable grounds for believing that the duration of the disease or physical disability will not extend beyond the period of three months beginning with the date on which he first becomes aware that he suffers from it, the licence holder shall forthwith notify the Department in writing of the nature and extent of his disease or physical disability.

(2) A person who fails to notify the Department in accordance with paragraph (1) shall be guilty of an offence under this Order.

Provisional licences

8.—(1) Save where this Order otherwise provides the Department shall, on payment of such fee as the Department with the approval of the Department of Finance may prescribe, grant a provisional licence to any person—

- (a) who applies for the provisional licence in the prescribed manner;
- (b) who satisfies the Department in the prescribed manner that he is not disqualified by reason of age or otherwise for obtaining the provisional licence for which he is applying; and
- (c) who satisfies the Department in the prescribed manner that he requires the provisional licence to enable him to undergo the test and that the provisional licence may be granted to him without endangering the safety of himself or other persons using roads.

(2) A provisional licence shall continue in force for such period as may be prescribed, unless revoked or surrendered within that period.

(3) For the purpose of enabling an applicant for a driving licence to learn to drive a motor vehicle with a view to passing a test under Article 6, the Department may, if so requested by him and on payment of such fee as the Department with the approval of the Department of Finance may prescribe, grant him a special provisional licence which shall be in the prescribed form and granted subject to the prescribed conditions and restrictions.

(4) The Department shall prescribe the conditions and restrictions applicable to persons to whom a provisional licence or a special provisional licence has been granted and if any such person contravenes any such condition or restriction he shall be guilty of an offence under this Order.

(5) Any conditions or restrictions prescribed by the Department under paragraph (4) as applicable to persons to whom a provisional licence has been

granted in Northern Ireland shall, except in so far as may be prescribed, apply to the holder of a provisional licence granted under the law of Great Britain while he is driving a motor vehicle in Northern Ireland by virtue of that provisional licence.

Speed limit on vehicles required to display or displaying distinguishing mark required on vehicles driven by holders of provisional licences

9. Any person who drives on a road, at a speed exceeding 45 miles per hour, or, as the case may be, such other speed as may be prescribed by regulations made by the Department subject to affirmative resolution,—

(a) a motor vehicle on which a distinguishing mark is required to be displayed to indicate that it is being driven by the holder of a provisional licence, or

(b) a motor vehicle displaying such a distinguishing mark, whether or not that distinguishing mark is required to be displayed,

shall be guilty of an offence under this Order.

Provisional licences not to authorise driving of heavy motor cycles

10. Neither a provisional licence granted under Article 8 (1) nor a special provisional licence granted under Article 8 (3) shall authorise the driving of a heavy motor cycle, that is to say, a motor cycle the cylinder capacity of whose engine exceeds 250 cubic centimetres or any such lesser capacity as the Department may by regulations prescribe (not being a vehicle having three wheels) until the holder of the licence shall have passed the appropriate test.

Tests of competence to drive motor vehicles

11.—(1) The Department may make regulations providing generally for the test, and in particular, but without prejudice to the generality of the foregoing words, provisions with respect to the nature of tests, to the persons by whom they may be conducted and to the evidence of the result of tests, and provisions—

(a) for requiring a person submitting himself for the test to provide a vehicle for the purposes of the test;

(b) for requiring a person submitting himself for the test to pay the prescribed fee to such person as may be prescribed, and requiring the fee to be paid upon application for an appointment for the test.

(2) A fee paid in pursuance of regulations made under paragraph (1) on application for an appointment for a test may be repaid in the following cases, that is to say—

(a) if no such appointment is made, or an appointment made is subsequently cancelled by or on behalf of the Department;

(b) if the person for whom the appointment is made gives such notice cancelling the appointment as may be prescribed for the purposes of this sub-paragraph by regulations made under paragraph (1);

(c) if the person for whom the appointment is made keeps the appointment, but the test does not take place, or is not completed, for reasons attributable neither to him nor to any vehicle provided by him for the purposes of the test;

(d) in such other circumstances as the Department may think fit.

Driving licences

12.—(1) Save where this Order otherwise provides, the Department shall, on payment of such fee as the Department with the approval of the Department of Finance may prescribe, grant a driving licence to any person—

- (a) who makes an application for it in such manner and containing such particulars as the Department may specify and who furnishes the Department with such evidence or further evidence in support of the application as the Department may require; and
- (b) who surrenders to the Department any previous licence granted to him after 1st October 1973 or furnishes the Department with an explanation for not surrendering it which the Department considers adequate; and
- (c) who is not disqualified by reason of age or otherwise for obtaining the driving licence for which he is applying; and
- (d) who, subject to paragraph (2), satisfies the Department in the prescribed manner that—
 - (i) at some time during the period of 10 years ending on the date of the receipt of his application by the Department he has passed the test to drive motor vehicles of the class or description to which his application relates or is exempted from or is deemed by virtue of regulations made under Article 5 (2) to have passed that test; or
 - (ii) at some time during that period of 10 years he has held a driving licence authorising him to drive motor vehicles of the class or description which he would be authorised to drive by the licence for which he has applied; or
 - (iii) except where he is disqualified under the law of Great Britain for holding or obtaining a driving licence, he has at some time during that period of 10 years held a licence granted under that law, not being a provisional licence, authorising him to drive motor vehicles of the class or description to which his application relates.

(2) Paragraph (1) (d) shall not prevent the grant of a licence to a person who does not satisfy the Department that his case falls within head (i), (ii) or (iii) of that sub-paragraph, if the licence is granted in accordance with the provisions of regulations made under Article 18 (i) or (j).

(3) Except as otherwise provided by Article 197, a person shall be disqualified for obtaining a driving licence while another driving licence granted to him is in force, whether the other driving licence is effective or not.

(4) Subject to paragraph (5), a driving licence shall, unless revoked or surrendered, remain in force—

- (a) for a period of 10 years;
- (b) where the applicant is aged over 60 years, for a period ending on the seventieth anniversary of the applicant's birth or for a period of 3 years, whichever is the longer; or
- (c) if the Department so determines in the case of a driving licence granted to a person appearing to be suffering from a relevant disease or physical disability within the meaning of Articles 6 and 7 for a period of not more than 3 years and not less than 1 year as the Department may determine;

and any such period shall begin with the date on which the licence is expressed to come into force.

(5) Until paragraph (4) comes into operation a driving licence shall remain in force for such period as may be prescribed unless revoked or surrendered within that period.

Revocation of licences by the Department

13.—(1) If it appears to the Department that any declaration or statement made by the holder of a driving licence or a provisional licence is untrue the Department may after giving to the licence holder notice of its intention to do so, revoke the licence, and the licence holder shall be guilty of an offence under this Order if he does not, on receipt of such notice, deliver the licence to the Department for cancellation within 10 days from the date of the notice.

(2) If—

(a) the Department is at any time satisfied on inquiry—

(i) that a licence holder is suffering from a disease or physical disability mentioned in Article 6 (1); and

(ii) that the Department would be required by virtue of Article 6 (2) to refuse an application for a licence made by him at that time; or

(b) a licence holder has, without reasonable excuse, failed or refused to submit himself for medical examination when required to do so by the Department,

then, whether or not the licence holder has previously passed a test, the Department may, subject to paragraph (3), after giving the licence holder notice of its intention to do so, revoke the licence, and the licence holder shall be guilty of an offence under this Order if he does not, within 10 days from the date of the notice, deliver the licence to the Department for cancellation.

(3) Where a licence holder is served with a notice under paragraph (2) he may, except in the case of such diseases and disabilities as may be prescribed, claim within 10 days from the date of the notice to be subjected to a test as to his fitness or disability to drive a motor vehicle and his licence shall be valid until the day specified for that test; if he passes that test the licence shall not be revoked, but if he does not pass that test he shall be guilty of an offence under this Order if he does not deliver the licence to the Department for cancellation within 10 days from the date of that test.

Appeals from the Department

14.—(1) Any person aggrieved by the refusal of the Department to grant a driving licence or a provisional licence or by the revocation of such a licence under this Part may appeal summarily against such refusal or revocation.

(2) A court of summary jurisdiction shall have power, on the application of a person who has submitted himself for the test, to determine whether the test was properly conducted in accordance with the regulations, and, if it appears to the court that the test was not so conducted, the court may order that any fee payable by the applicant in respect of the test shall not be paid or, if it has been paid, shall be repaid.

Restrictions on newly qualified drivers and drivers disqualified until tested

15.—(1) Where, pursuant to Article 12 or an order made under Article 196, a person is required to pass a test of competence to drive motor vehicles of any class or description before he becomes entitled to hold or obtain a driving licence authorising him to drive motor vehicles of that class or description, he shall, for a period of 12 months, (calculated without taking into account any period during which he is disqualified for holding or obtaining a licence for driving a motor vehicle of that class or description) or such lesser period similarly calculated as may be prescribed, after passing that test, be subject, while driving on a road a motor vehicle of any class or description in respect of which he was

not, immediately before he passed that test, entitled to hold or obtain a driving licence, to the restrictions, conditions, requirements and prohibitions prescribed under paragraph (3) (in this Article and in Article 16 referred to as the "prescribed restrictions").

(2) Where the Department grants or returns a driving licence to any person who, while driving a motor vehicle of any class or description specified in the licence, will for any period during the currency of the licence be subject to the prescribed restrictions, the Department shall enter on or affix to the licence (in this Article referred to as a "temporarily restricted licence") a note or other indication to show—

- (a) the period of restriction;
- (b) the class or description of vehicles affected by the prescribed restrictions; and
- (c) that the holder is subject for that period to the prescribed restrictions while driving vehicles of that class or description.

(3) The prescribed restrictions shall be such restrictions, conditions, requirements or prohibitions as are prescribed under this Article and shall include—

- (a) a requirement that a distinguishing mark of such a nature as may be prescribed in the regulations shall be displayed in such manner as may be so prescribed on any motor vehicle while it is being driven on a road by a person who is subject to the prescribed restrictions when driving that vehicle;
- (b) a prohibition on driving on any road at a speed exceeding 45 miles per hour, or such other speed as may be prescribed in the regulations, any motor vehicle on which the distinguishing mark referred to in subparagraph (a) is required to be displayed.

(4) Any person who contravenes any of the prescribed restrictions shall be guilty of an offence under this Order.

(5) Where during a period of restriction the holder of a temporarily restricted licence commits any offence under this Order or regulations made under this Order while driving or in charge of a motor vehicle of any class or description in relation to which he is subject to the prescribed conditions and where the court by which he is convicted of that offence makes an order (not being an order made or deemed to be made under Article 196) that he shall be disqualified for holding or obtaining a licence to drive a vehicle of that class or description, the court shall further order that he shall, for a period of 12 months commencing upon the date on which he ceases to be so disqualified, be subject to the prescribed restrictions while driving a vehicle of any class or description in relation to which he was subject to those restrictions.

(6) Where during a period of restriction the holder of a temporarily restricted licence commits, while driving or in charge of a motor vehicle of any class or description in relation to which he is subject to the prescribed conditions—

- (a) an offence under paragraph (4); or
- (b) an offence under any of the following provisions of this Order, that is to say,—
 - (i) Article 90 (insurance or security against third-party risks);
 - (ii) Article 139 (reckless driving or causing death or injury thereby);
 - (iii) Article 153 (careless driving);

- (iv) Article 155 (exceeding speed limit);
- (v) Article 160 (unlawful carriage of passengers on motor cycles);
- (vi) Article 175 (duties on occurrence of accident caused by motor vehicle); or

(c) any other prescribed offence relating to road traffic or motor vehicles; the court by which he is convicted of that offence, if it does not order him to be disqualified for holding or obtaining a licence to drive a motor vehicle of that class or description, shall, in addition to any other penalty, order that for a further period of not less than 3 months nor more than 12 months from the date of the expiry of the period of restriction or from the date of the conviction, whichever is the later, he shall be subject to the prescribed restrictions while driving a motor vehicle of any class or description in relation to which he was subject to those restrictions.

(7) Where under paragraph (5) or (6) a court orders that a person shall be subject for a period specified in the order to the prescribed restrictions while driving motor vehicles of any class or description so specified, the court shall further order that every licence held by him during that period authorising him to drive vehicles of that class or description shall be endorsed with such a note or indication as is mentioned in paragraph (2), and Article 197 shall apply with any necessary modifications to an order under this paragraph as it applies to an order imposing a disqualification for holding or obtaining a licence.

(8) Paragraphs (5) to (7) shall have effect in relation to any person, who holds a provisional licence and who has passed a test of competence to drive vehicles of the class or description to which that licence relates, in the same manner as they apply to the holder of a temporarily restricted licence.

(9) This Article shall not apply—

- (a) to the holder of a licence granted or returned by reason of a test passed by him before 1st April 1968;
- (b) to the holder of a licence granted under Article 70 authorising him to drive a public service vehicle;
- (c) to the holder of a licence authorising him to drive, or to a person driving, motor vehicles of such classes or descriptions or in such circumstances as may be prescribed;
- (d) to such extent and in such circumstances as may be prescribed to a person holding a driving licence by reason of a test passed by him at a time when he held a licence or permit which by virtue of an order made under the Motor Vehicles (International Circulation) Act 1952 (a) entitled him to drive motor vehicles in Northern Ireland.

(10) In this Article—

“period of restriction” means any period during which a person is subject to the prescribed restrictions;

“prescribed” means prescribed by regulations made by the Department subject to affirmative resolution.

Speed limit on certain vehicles displaying distinguishing mark referred to in Article 15 (3) (a)

16. Any person who drives on a road at a speed exceeding 45 miles per hour, or, as the case may be, such other speed as may be prescribed under Article 15, a motor vehicle displaying such a distinguishing mark as is referred

to in paragraph (3) (a) of that Article shall, where he is not subject to the prescribed restrictions within the meaning of that Article while driving that vehicle, be guilty of an offence under this Order.

Provisions as to licences granted in Great Britain

17.—(1) If the Head of the Department certifies that satisfactory provision is made by the law of Great Britain for the granting of driving licences and provisional licences to drive motor vehicles, it shall be lawful for the holder of such a licence to drive and be caused or permitted to drive in Northern Ireland a motor vehicle of any class or description which he is authorised by that licence to drive, and which he is not disqualified for driving under this Order notwithstanding that he is not the holder of a driving licence or a provisional licence under this Order; and any such driver shall be under the like obligation to produce such a licence as if it had been a licence granted under this Order, and the provisions of this Order as to the production of licences shall apply accordingly.

(2) The holder of a driving licence or a provisional licence granted in Great Britain, who by a conviction or order of any court is disqualified under this Order for holding or obtaining such a licence under this Order, shall produce the licence so held by him to the court within such time as the court may determine, and the court shall on production of the licence forward it to the Department.

(3) If the holder of a driving licence or a provisional licence granted in Great Britain fails to produce the licence in accordance with paragraph (2) he shall be guilty of an offence under this Order.

(4) If the holder of a driving licence or a provisional licence granted in Great Britain is convicted of an offence under this Order, or of any offence in connection with the driving of a motor vehicle punishable either on indictment or summarily, and, had such person been the holder of such a licence under this Order, the court would have ordered particulars of the conviction to be endorsed on the licence, then the court instead of making such an order shall send to the Department particulars of the conviction.

(5) Nothing in this Article shall authorise—

- (a) a person resident outside Great Britain to drive or be caused or permitted to drive a motor vehicle in Northern Ireland unless he holds a driving licence or a provisional licence under this Order; or
- (b) any person to drive or be caused or permitted to drive a public service vehicle in Northern Ireland unless he holds a licence under Article 70.

General regulations for purposes of this Part

18. The Department may make regulations providing generally with respect to licences, including in particular, but without prejudice to the generality of the foregoing words, provisions—

- (a) for requiring records to be kept of licences;
- (b) for providing special exemptions or facilities in connection with the granting of licences to persons not resident in Northern Ireland or to persons who become resident in Northern Ireland;
- (c) for exempting persons not resident in Northern Ireland from the requirements of Article 6;
- (d) for the copying or endorsing on a new licence of particulars of any disqualification for the time being operative by virtue of any conviction

- or order of any court exercising jurisdiction in any part of the British Islands;
- (e) for making available for use by the Royal Ulster Constabulary any particulars with respect to any persons who are disqualified for holding or obtaining licences or whose licences are endorsed or are of no effect;
- (f) for preventing a person from holding more than one driving licence;
- (g) for facilitating the identification of holders of licences;
- (h) for providing for the issue of a new licence in the place of a licence lost or defaced on payment of such fee as may be prescribed;
- (i) with respect to the effect of a change in the classification of motor vehicles for the purposes of any provision of this Part—
 - (i) on licences then in force or issued, or
 - (ii) on the right to or the granting of licences thereafter; and
- (j) with respect to the enabling of a person—
 - (i) whose entitlement to the grant of a licence to drive motor vehicles of any class is preserved by regulations under paragraph (i), and
 - (ii) who satisfies such conditions as may be prescribed, to drive (and be caused or permitted to drive) a motor vehicle of that class while he applies for the licence to be granted to him.

Definitions for purposes of this Part

19. In this Part—

- “agricultural tractor” means a tractor used primarily for work on land in connection with agriculture;
- “articulated goods vehicle” means a motor vehicle which is so constructed that a trailer designed to carry goods may by partial superimposition be attached thereto in such a manner as to cause a substantial part of the weight of the trailer to be borne by the motor vehicle, and “articulated goods vehicle combination” means an articulated goods vehicle with a trailer so attached;
- “maximum gross weight”, in relation to a motor vehicle or trailer, means the weight of the vehicle laden with the heaviest load which it is constructed or adapted to carry;
- “maximum train weight”, in relation to an articulated goods vehicle combination, means the weight of the combination laden with the heaviest load which it is constructed or adapted to carry;
- “medium-sized goods vehicle” means a motor vehicle—
 - (a) which is constructed or adapted to carry or haul goods; and
 - (b) which is not adapted to carry more than 9 persons inclusive of the driver; and
 - (c) the permissible maximum weight of which exceeds 3.5 but not 7.5 tonnes;
- “permissible maximum weight”, in relation to a goods vehicle (of whatever description), means—
 - (a) in the case of a motor vehicle which neither is an articulated goods vehicle nor is drawing a trailer, the relevant maximum weight of the vehicle;
 - (b) in the case of an articulated goods vehicle—
 - (i) when drawing only a semi-trailer, the relevant maximum train weight of the articulated goods vehicle combination;

- (ii) when drawing a trailer as well as a semi-trailer, the aggregate of the relevant maximum train weight of the articulated goods vehicle combination and the relevant maximum weight of the trailer;
- (iii) when drawing a trailer but not a semi-trailer, the aggregate of the relevant maximum weight of the articulated goods vehicle and the relevant maximum weight of the trailer;
- (iv) when drawing neither a semi-trailer nor a trailer, the relevant maximum weight of the vehicle;
- (c) in the case of a motor vehicle (not being an articulated goods vehicle) which is drawing a trailer, the aggregate of the relevant maximum weight of the motor vehicle and the relevant maximum weight of the trailer;

“relevant maximum weight”, in relation to a motor vehicle or trailer, means—

- (a) in the case of a vehicle which is required by regulations under Article 28 to have a maximum gross weight for the vehicle marked on a plate attached to the vehicle, the maximum gross weight marked on such a plate;
- (b) in the case of a vehicle on which a maximum gross weight is marked by the same means as would be required by regulations under Article 28 if those regulations applied to the vehicle, the maximum gross weight so marked on the vehicle;
- (c) in the case of a vehicle on which a maximum gross weight is not marked as mentioned in paragraph (a) or (b), the notional maximum gross weight of the vehicle, that is to say such weight as is produced by multiplying the unladen weight of the vehicle by the number prescribed by the Department for the class of vehicle into which that vehicle falls;

“relevant maximum train weight”, in relation to an articulated goods vehicle combination, means—

- (a) in the case of an articulated goods vehicle which is required by regulations under Article 28 to have a maximum train weight for the combination marked on a plate attached to the vehicle, the maximum train weight marked on the motor vehicle;
- (b) in the case of an articulated goods vehicle on which a maximum train weight is marked by the same means as would be required by regulations under Article 28 if those regulations applied to the vehicle, the maximum train weight so marked on the motor vehicle;
- (c) in the case of an articulated goods vehicle on which a maximum train weight is not marked as mentioned in paragraph (a) or (b), the notional maximum gross weight of the combination, that is to say such weight as is produced by multiplying the sum of the unladen weights of the motor vehicle and the semi-trailer by the number prescribed by the Department for the class of articulated goods vehicle combination into which that combination falls;

“semi-trailer”, in relation to an articulated goods vehicle, means a trailer attached to it in the manner described in the definition of articulated goods vehicle;

“small goods vehicle” means a motor vehicle (other than a motor cycle or invalid carriage)—

- (a) which is constructed or adapted to carry or haul goods, and
- (b) which is not adapted to carry more than 9 persons inclusive of the driver, and
- (c) the permissible maximum weight of which does not exceed 3.5 tonnes;

“small passenger vehicle” means a motor vehicle (other than a motor cycle or invalid carriage)—

- (a) which is constructed solely to carry passengers and their effects, and
- (b) which is adapted to carry not more than 9 persons inclusive of the driver.

PART III

GENERAL PROVISIONS AS TO REGULATION OF ROAD TRAFFIC

Rule of the road and overtaking

20.—(1) A person driving or riding a vehicle on a road shall, except where it is unreasonable in the circumstances to do so and except where otherwise provided by paragraph (2) or indicated by the highway code as revised from time to time, drive or ride the vehicle on the left or near side, having regard to the direction in which he is proceeding, of that part of the road over which the public have a right of way for the passage of vehicles.

(2) A person driving or riding a vehicle on a road and overtaking another vehicle on that road shall, except where the highway code as revised from time to time indicates that he may overtake on the left or near side, overtake on the right or off-side of that other vehicle.

(3) Any person contravening paragraph (1) or (2) shall be guilty of an offence under this Order.

General powers to control movement of and waiting by traffic

21.—(1) Subject to Article 23, the Department may by order make provision in respect of any public road for all or any of the following purposes, that is to say,—

- (a) requiring traffic on such roads or parts of roads as may be specified in the order to proceed in a specified direction at all times or at such times as may be so specified or prohibiting its so proceeding;
- (b) specifying the part of the road to be used by traffic proceeding in a specified direction;
- (c) prohibiting or restricting persons from causing or permitting vehicles to wait in such road or part of a road as may be indicated from time to time by traffic signs displayed in or on the road for that purpose as the Department thinks fit or as may be specified in the order;
- (d) exempting vehicles from any such prohibition or restriction either wholly or during such days, at such times or for such periods or for such purposes as may be so specified;
- (e) generally for regulating the waiting of vehicles in any public road or any area.

(2) Any person who contravenes an order made under paragraph (1) shall be guilty of an offence under this Order.

Power to control traffic on specified roads

22.—(1) Subject to this Article and Article 23, the Department may by order prohibit or restrict the use by vehicles or any class or description of vehicles specified in the order of any public road or part of a public road so specified.

(2) An order under paragraph (1) may be made only where the Department is satisfied—

- (a) that the road in question cannot be used by vehicles, or by vehicles of any class or description, or cannot without restriction be so used without endangering the safety of the vehicles or persons in the vehicles or of other persons using the road; or
- (b) that the road is unsuitable for use, or for unrestricted use, by vehicles, or by vehicles of any class or description; or
- (c) that the use of the road by vehicles, or by vehicles of any class or description, ought to be restricted or prohibited for the purpose of facilitating the movement of pedestrian traffic on that road.

(3) Any person who uses a vehicle or causes or permits a vehicle to be used in contravention of an order made under paragraph (1) shall be guilty of an offence under this Order.

Provisions supplementary to Articles 21 and 22

23.—(1) The Department shall comply with paragraph (2) before—

- (a) making, amending or revoking an order under Article 21 (1);
- (b) making an order under Article 22 (1) restricting or prohibiting the use of a road for the purpose mentioned in Article 22 (2) (c);
- (c) amending or revoking any previous order restricting or prohibiting the use of a road for that purpose.

(2) Subject to paragraph (1), the Department shall—

- (a) publish in at least one newspaper circulating in the locality in which the road is situated a notice—
 - (i) stating the general effect of the intended order;
 - (ii) specifying a place in that locality where a copy of the draft order and any relevant map or plan may be inspected by any person free of charge at all reasonable hours during the period mentioned in head (iii);
 - (iii) specifying the period (which shall not be less than 30 days from the date of the publication or last publication of the notice) within which objections or representations may be made to the Department by any person likely to be affected by the making of the order;
- (b) consider any objections to or representations in respect of the draft order made within the period specified in sub-paragraph (a) (iii).

(3) Where an order under Article 21 or 22 is made, amended or revoked, the Department shall publish in such manner as may be prescribed notice of the fact that the order has been made, amended or revoked and of the effect of the making, amendment or revocation of the order.

(4) Before making, amending or revoking an order under Article 21 or 22 the Department may hold a public inquiry.

(5) Article 22 shall apply to animals as it applies to vehicles, subject to such modifications or exemptions (including provisions respecting the number, weight or kinds of animals using the road) as may be specified in any order made under Article 22 (1).

(6) Article 26 (4) shall apply where restrictions or prohibitions on the use of a road are imposed by an order under Article 22 (1) as it applies where restrictions or prohibitions are imposed under Articles 24 and 25.

Power temporarily to control use of roads by traffic

24.—(1) Subject to paragraph (2) and Article 26, the Department may temporarily restrict or prohibit the use of any public road by vehicles generally or by vehicles of any particular class or description.

(2) The Department shall not, in relation to any road, exercise the powers conferred by paragraph (1) unless the Department is satisfied that—

(a) the condition of the road or the nature or volume of traffic on the road would be likely to cause danger to persons using the road, whether by means of vehicles or otherwise; or

(b) the use of the road by vehicles or by vehicles of any class or description would be likely to cause substantial damage to the road,

and that it is necessary in the interests of safety that restrictions or prohibitions on the use of that road should come into force without delay.

(3) Any person who knowingly uses a vehicle, or permits a vehicle to be used, in contravention of any restriction or prohibition imposed under paragraph (1) shall be guilty of an offence under this Order.

Power to control use by traffic of roads affected by roadworks

25.—(1) Subject to paragraph (2) and Article 26, if the Department is satisfied that traffic on a road should, by reason of any works being executed or proposed to be executed on or near the road, be restricted or prohibited, it may by order restrict or prohibit the use of that road or of any part of that road by vehicles or by vehicles of any particular class or description to such extent and subject to such conditions or exceptions as it may consider necessary.

(2) The Department, when considering the question of the making of an order under paragraph (1), shall have regard to the existence of alternative routes suitable for the traffic which will be affected by the order.

(3) Any person who knowingly uses a vehicle, or permits a vehicle to be used, in contravention of any restriction or prohibition imposed under paragraph (1) shall be guilty of an offence under this Order.

Provisions supplementary to Articles 24 and 25

26.—(1) Where the Department in exercise of any of the powers conferred by Articles 24 and 25 imposes or proposes to impose restrictions or prohibitions on the use of any road, the Department, unless satisfied that the restrictions or prohibitions are unlikely to remain in force for more than two weeks, shall, as soon as is reasonably practicable, publish in at least one newspaper circulating in the locality in which the road is situated, a notice specifying the restrictions or prohibitions imposed or to be imposed on the use of the road and the period during which such restrictions or prohibitions are likely to be in force and describing the alternative route or routes available for traffic.

(2) Where any restrictions or prohibitions imposed under the powers conferred by Articles 24 and 25 on the use of any road are to continue in force under those Articles for a further period after the expiration of the period specified in the notice under paragraph (1), the Department shall publish a further notice specifying that further period and paragraph (1) shall apply to that further notice as it applies to a notice under that paragraph.

(3) Where the Department publishes a notice under paragraph (1) specifying restrictions or prohibitions on the use of a road, it shall, on those restrictions or prohibitions ceasing to be in force, publish in at least one newspaper circulating in the locality in which the road is situated a notice stating that the restrictions or prohibitions have ceased to be in force.

(4) Where under Articles 24 and 25 the Department imposes restrictions or prohibitions on the use of any road—

(a) the Department shall place or cause to be placed on or near the road such traffic signs as are necessary to warn traffic that the use of the road is subject to those restrictions or prohibitions and to indicate the nature and extent of those restrictions or prohibitions;

(b) the Department may place, or authorise or require to be placed, on or near the road such bollards or other obstructions as it considers necessary for the purpose of those restrictions or prohibitions and shall take all such steps as are reasonably necessary to secure that any such obstruction is not a danger to traffic.

(5) The powers conferred on the Department by Articles 24, 25 and this Article shall be in addition to and not in derogation of any powers conferred on the Department by any other enactment.

General traffic regulations

27. The Department may make regulations with respect to the use of vehicles of any kind whatsoever on roads, and for the control of traffic, both vehicular and pedestrian, on roads, including the control of traffic by means of mechanically worked signals and in particular, and without prejudice to the generality of the foregoing powers, the Department may prescribe the lights to be carried by persons in charge of animals on roads.

PART IV

GENERAL PROVISIONS AS TO REGULATION OF MOTOR VEHICLES

Regulations as to use, construction and equipment of motor vehicles

28.—(1) The Department may make regulations generally with respect to the use of motor vehicles and trailers on roads, their construction and equipment and the conditions under which they may be so used, and in particular, but without prejudice to the generality of the foregoing words, may make regulations with respect to any of the following matters—

(a) the width, height and length of motor vehicles and trailers and of the load carried thereby, and the diameter of wheels, and the width, nature and condition of tyres, of motor vehicles and trailers;

- (b) the equipment, fittings and instruments to be fitted to or carried on motor vehicles and trailers, including equipment designed to minimise the risk of loss of life or bodily injury or damage to property arising by fire, accident or otherwise;
- (c) the use and misuse of equipment, fittings and instruments fitted to or carried on motor vehicles and trailers whether voluntarily or in pursuance of any enactment;
- (d) the emission or consumption of smoke, fumes or vapour and the emission of sparks, ashes or grit;
- (e) noise;
- (f) the maximum weight unladen of heavy locomotives and heavy motor cars, and the maximum weight laden of motor vehicles and trailers, and the maximum weight to be transmitted to the road or any specified area of the road by a motor vehicle or trailer of any class or description or by any part or parts of such a vehicle or trailer in contact with the road, and the conditions under which any such weight may be required to be tested;
- (g) the maximum speed of motor vehicles;
- (h) the maximum speed of vehicles or classes or descriptions of vehicles while being driven on special roads within the meaning of the Roads (Northern Ireland) Order 1980;
- (i) the particulars to be marked on motor vehicles and trailers;
- (j) the number of trailers, if any, which may be drawn by motor vehicles and the towing of or drawing of trailers, including the method of attachment thereof;
- (k) the number of persons who are to be employed—
 - (i) in driving or attending a heavy or light locomotive;
 - (ii) in attending a trailer attached to a heavy or light locomotive or a heavy motor car;
- (l) the number and nature of brakes, and for securing that brakes, silencers and steering gear shall be efficient and kept in proper working order, and for empowering persons authorised by or under the regulations to test and inspect, either on a road or, subject to the consent of the owner of the premises, on any premises where the vehicle is, any such brakes, silencers or steering gear;
- (m) the appliances to be fitted for signalling the approach of a motor vehicle, or enabling the driver of a motor vehicle to become aware of the approach of another vehicle from the rear, or for intimating any intended change of speed or direction of a motor vehicle, and the use of any such appliance, and for securing that such appliances are efficient and kept in proper working order.

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

Prohibition of motor vehicles not complying with regulations as to construction, etc.

29.—(1) Subject to the provisions of this Article, it shall not be lawful for any person to use, or to cause or permit to be used, on any road a motor vehicle or trailer which does not comply in all respects with the regulations applicable under this Part to the class or description of vehicles to which the vehicle belongs.

(2) Where any regulations contain provisions varying the requirements imposed by this Order or any regulations under this Order as regards the construction or weight of any class or description of vehicles, provision shall be made by the regulations for exempting from the provisions aforesaid for such period (not being less than 5 years) as may be specified in the regulations, any vehicle of that class or description registered under the Vehicles (Excise) Act (Northern Ireland) 1972 (a) before the expiration of one year from the making of the regulations.

(3) The Department may by order authorise, subject to such restrictions and conditions as may be specified in the order, the use on roads of special motor vehicles or trailers, or special types of motor vehicles or trailers, which are constructed either for special purposes or for tests or trials, and of new or improved types of motor vehicles or trailers whether wheeled or wheel-less and may issue permits authorising, subject to such restrictions and conditions as may be specified in such permits, the use on roads of motor vehicles or trailers carrying loads of exceptional dimensions.

(4) Any person who uses, or who causes or permits to be used, on a road a motor vehicle or trailer in contravention of this Article shall be guilty of an offence under this Order.

Prohibition of sale, etc., of motor vehicles in condition not complying with regulations

30.—(1) Subject to the provisions of this Article, it shall not be lawful for any person to sell, or to supply, or to offer to sell or supply, a motor vehicle or trailer for delivery in such a condition that the use of the motor vehicle or trailer on a road in that condition would be unlawful by virtue of any provision of this Order or of any regulations made under this Order as to the construction, weight, equipment, brakes, steering gear or tyres of the motor vehicle or trailer.

(2) Subject to the provisions of this Article, it shall not be lawful for any person to alter a motor vehicle or trailer so as to render its condition such that the use of the motor vehicle or trailer on a road in that condition would be unlawful by virtue of any provision of this Order or of any regulations made under this Order as to the construction, weight or equipment of the motor vehicle or trailer.

(3) If a motor vehicle or trailer is sold, supplied, offered, or altered in contravention of the provisions of this Article, any person who so sells, supplies, offers, or alters it, or causes or permits it to be so sold, supplied, offered or altered, shall be guilty of an offence under this Order.

(4) A person shall not be convicted of an offence under this Article in respect of the sale, supply, offer, or alteration of any motor vehicle or trailer if he proves that he had reasonable cause to believe that the vehicle would not be used on a road in Northern Ireland, or would not be so used until it had been put into a condition in which it might lawfully be so used.

(a) 1972 c. 10 (N.I.).

(5) Nothing in the preceding provisions of this Article shall affect the validity of any contract or any rights arising under a contract.

Fitting and sale of defective or unsuitable vehicle parts

31.—(1) If any person—

(a) fits a vehicle part to a vehicle, or

(b) causes or permits a vehicle part to be fitted to a vehicle,

in such circumstances that, by reason of that part being fitted to the vehicle, the use of the vehicle on a road would constitute a contravention of any of the construction and use requirements, he shall be guilty of an offence under this Order.

(2) A person shall not be convicted of an offence under paragraph (1) if he proves—

(a) that the vehicle to which the part was fitted was to be exported from the United Kingdom;

(b) that he had reasonable cause to believe that that vehicle would not be used on a road in the United Kingdom or would not be so used until it had been put into a condition in which its use would not constitute a contravention of any of the construction and use requirements.

(3) If any person who—

(a) sells or supplies, or offers to sell or supply, a vehicle part, or

(b) causes or permits a vehicle part to be sold, supplied or offered for sale or supply,

has reasonable cause to believe that the part is to be fitted to a motor vehicle or to a vehicle of a particular class or to a particular vehicle, he shall be guilty of an offence under this Order if that part could not be fitted to a motor vehicle or, as the case may require, to a vehicle of that class or of a class to which the particular vehicle belongs, except in such circumstances as are mentioned in paragraph (1).

(4) A person shall not be convicted of an offence under paragraph (3) in respect of the sale, supply or offer of a vehicle part if he proves—

(a) that the part was sold, supplied or offered, as the case may be, for export from the United Kingdom; or

(b) that he had reasonable cause to believe that it would not be fitted to a vehicle used on a road in the United Kingdom or would not be so fitted until it had been put into such a condition that it could be fitted otherwise than in such circumstances as are mentioned in paragraph (1).

(5) An authorised officer may at any reasonable hour enter premises where, in the course of a business, vehicle parts are fitted to vehicles or are sold, supplied or exposed for sale and inspect and test any vehicle or vehicle part found on those premises for the purpose of ascertaining whether—

(a) a vehicle part has been fitted to the vehicle in such circumstances as are mentioned in paragraph (1); or

(b) the vehicle part could not be sold or supplied for fitting to a vehicle used on roads in the United Kingdom without the commission of an offence under paragraph (3);

and for the purpose of testing a motor vehicle and any trailer drawn by it the authorised officer may drive it and for the purpose of testing any trailer may draw it with a motor vehicle.

(6) Any person who obstructs an authorised officer acting under paragraph (5) shall be guilty of an offence under this Order.

(7) In this Article “authorised officer” means a member of the Royal Ulster Constabulary, or an officer of the Department who is authorised by the Department for the purposes of this Article.

(8) Nothing in this Article shall affect the validity of a contract or of any rights arising under a contract.

Testing condition of used vehicles at sale rooms, etc.

32.—(1) An authorised officer may at any reasonable hour enter premises where used motor vehicles or trailers are sold, supplied, or offered or kept for sale or supply, in the course of a business, and examine any used motor vehicle or trailer found there for the purpose of ascertaining whether it is in any such condition as is mentioned in Article 30 (1), and for the purpose of examining a motor vehicle and any trailer drawn by it may drive it and for the purpose of examining a trailer may draw it with a motor vehicle.

(2) Any person who obstructs an authorised officer acting under this Article shall be guilty of an offence under this Order.

(3) In this Article “authorised officer” means a constable, or an officer of the Department, who is authorised by the Chief Constable or the Department respectively for the purposes of this Article; and any such person shall, if so required, produce his authority to act for the purposes of this Article.

(4) A motor vehicle or trailer shall be treated as used for the purposes of this Article if, but only if, it has previously been sold or supplied by retail.

Motor vehicle testing

33.—(1) The provisions of this Article and Article 34 shall have effect in relation to motor vehicles other than goods vehicles, public service vehicles and large private passenger vehicles which are required to be certified under Articles 53, 60 and 67 respectively and for the purpose of ascertaining whether the statutory requirements relating to the construction and condition of motor vehicles, their accessories and equipment are complied with.

(2) The Department may by regulations make provision—

(a) for the testing of vehicles submitted for a test under this Article;

(b) for payment in respect of that test of such fees as may, with the approval of the Department of Finance, be prescribed; and

(c) for the issue, where it is found on such a test that the requirements mentioned in paragraph (1) are complied with, of a certificate (in this Order referred to as a “vehicle test certificate”) that at the date of the test the requirements were complied with in relation to the vehicle.

(3) Article 11 (2) shall apply in relation to the repayment of a fee paid in pursuance of regulations made under paragraph (2).

(4) Tests for the purposes of this Article shall be carried out by inspectors appointed by the Department.

(5) Where a vehicle test certificate is refused, the inspector shall issue a notification of the refusal stating the grounds of the refusal, and a person aggrieved by the refusal or the grounds may appeal to the Department; and on any such appeal the Department shall cause a further test to be made and either issue or refuse to issue a vehicle test certificate.

(6) The Department may make regulations for the purpose of giving effect to the provisions of this Article and in particular as to—

- (a) the manner in which applications may be made for the testing of vehicles under this Article, the manner in which and time within which appeals may be brought under paragraph (5), the information to be supplied and documents to be produced on such an application, test or appeal, the payment, in respect of such an appeal, of such fees as may, with the approval of the Department of Finance, be prescribed and the repayment of the whole or a part of the fee paid on such an appeal where it appears to the Department that there were substantial grounds for contesting the whole or part of the decision appealed against;
- (b) the form of, and particulars to be contained in, and notifications of the refusal of, vehicle test certificates;
- (c) the issue of duplicates of vehicle test certificates lost or defaced and the fee to be paid for the issue of such duplicates;
- (d) the issue of vehicle test certificates and the payment for their issue of such fees as may, with the approval of the Department of Finance, be prescribed.

Obligatory vehicle test certificates

34.—(1) A person who at any time uses on a road or other public place, or causes or permits to be so used, a motor vehicle to which this Article applies, and in respect of which no vehicle test certificate has been issued within the appropriate period before the said time, shall be guilty of an offence under this Order.

(2) Subject to Article 33 (1) and to paragraph (5), the motor vehicles to which this Article applies at any time are—

- (a) those first registered under the Vehicles (Excise) Act (Northern Ireland) 1972, the Vehicles (Excise) Act (Northern Ireland) 1954 (a), or the Roads Act 1920 (b), not less than 7 years before that time; and
- (b) those which, having a date of manufacture not less than 7 years before that time, have been used on roads (whether in Northern Ireland or elsewhere) before being registered under the Vehicles (Excise) Act (Northern Ireland) 1972 or the Vehicles (Excise) Act (Northern Ireland) 1954.

(3) For the purposes of paragraph (2) (b) there shall be disregarded the use of a vehicle—

- (a) before it is sold or supplied by retail; or
- (b) before it is registered by the Department under section 19 (1) (b) of the Vehicles (Excise) Act (Northern Ireland) 1972 (registration when Department receives from a motor dealer particulars of a vehicle to which the dealer has assigned a mark under section 20 of that Act) and after a mark is so assigned to it.

(4) The Department may by order made subject to affirmative resolution direct that paragraphs (2) and (6) (c) shall have effect with the substitution for 7 years, of such other period, less than 10 years, as may be specified in the order.

(5) The Department may by regulations exempt from paragraph (1)—

(a) 1954 c. 17 (N.I.).

(b) 1920 c. 72.

- (a) vehicles of such classes or descriptions as may be specified in the regulations;
- (b) vehicles used only for such purposes as may be so specified;
- (c) vehicles used only in such areas as may be so specified.

(6) The Department may by regulations provide that where application is made for a licence under the Vehicles (Excise) Act (Northern Ireland) 1972 for a motor vehicle to which this Article applies or where, in the case of an application relating to a motor vehicle to which this Article applies by virtue of paragraph (2) (b), it appears from the application that the vehicle has been used on roads (whether in Northern Ireland or elsewhere) before the date of the application, the licence shall not be granted unless—

- (a) there is produced such evidence as may be prescribed of the granting of an effective vehicle test certificate; or
- (b) there is made such a declaration as may be prescribed that the vehicle is not intended to be used during the period for which the licence is to be in force except for a purpose or in an area prescribed under paragraph (5); or
- (c) in the case of an application relating to a vehicle to which this Article applies by virtue of paragraph (2) (b), the owner of the vehicle declares in writing the year in which the vehicle was manufactured, and 7 years have not elapsed from the date of manufacture.

(7) Where within the appropriate period after a vehicle test certificate is issued or treated for the purposes of this Article as issued, but not earlier than one month before the end of that period, a further vehicle test certificate is issued as respects the same vehicle, the further certificate shall be treated for the purposes of this Article as if issued at the end of the said appropriate period.

(8) Without prejudice to section 17 (5) of the Interpretation Act (Northern Ireland) 1954, for the purpose of spreading the work of issuing vehicle test certificates in contemplation of a change in the length of the appropriate period the regulations changing the length of the appropriate period may be made so as to come into operation on different days as respects vehicles first registered under any of the enactments mentioned in paragraph (2) at different times.

(9) For the purposes of this Article the date of manufacture of a vehicle shall be taken to be the last day of the year during which its final assembly is completed, except where after that day modifications are made to the vehicle before it is sold or supplied by retail, and in the said excepted case shall be taken to be the last day of the year during which the modifications are completed.

(10) In this Article—

- (a) “appropriate period” means a period of 12 months or such shorter period as the Department may by regulations prescribe;
- (b) “effective vehicle test certificate” means, in relation to an application for a licence for a motor vehicle, a vehicle test certificate relating to the vehicle and issued within the appropriate period before the date from which the licence is to be in force;
- (c) “sold or supplied by retail” means sold or supplied otherwise than to a person acquiring solely for the purpose of resale or of re-supply for a valuable consideration.

Roadside examinations and remedying of discovered defects

35.—(1) An authorised officer may, subject to the provisions of this Article, examine a motor vehicle on a road or other public place for the purpose of ascertaining whether the statutory requirements relating to the use, construction and condition of motor vehicles are complied with as respects the vehicle, and in particular any such authorised officer shall be entitled as part of the examination to do all or any of the following things, that is to say,—

- (a) to drive the vehicle for a distance not exceeding one mile;
- (b) to require the person having charge of the vehicle to drive it for such distance (not exceeding one mile) and in such direction and manner and at such speed as the authorised officer shall direct;
- (c) to travel in the vehicle while it is being driven under his direction;
- (d) to test the working and efficiency of the mechanism, fittings and equipment of the vehicle.

(2) Where on an examination under paragraph (1), an authorised officer is satisfied that one or more of the statutory requirements as to brakes, silencers, steering gear, tyres, anchorage points and seat belts, lighting equipment and reflectors and such other matters as the Department may by regulations prescribe is not complied with, he may, whether or not proceedings are instituted for a breach of the requirement, serve on the owner of the vehicle a notice in writing requiring him to present the vehicle at a specified place within 14 days from the service of the notice, or within such longer period as any authorised officer may on the application of the owner of the vehicle specify in writing, for an examination for the purpose of ascertaining whether the vehicle then complies with the statutory requirements relating to the use, construction and condition of motor vehicles.

(3) The Department may by regulations made with the approval of the Department of Finance prescribe the fee to be paid for an examination under paragraph (2).

(4) Any person who obstructs an authorised officer acting under this Article, or fails without reasonable excuse to comply with any requirements made by an authorised officer under this Article, shall be guilty of an offence under this Order.

(5) In this Article—

- (a) “authorised officer” means a constable, or an officer of the Department, who is authorised by the Chief Constable or the Department respectively for the purposes of this Article;
- (b) “motor vehicle” includes a trailer.

Power to prohibit the driving of defective vehicles

36.—(1) Where it appears to any person authorised to examine or inspect a vehicle under Article 35, 57, 64 or 68 (in this Article referred to as an “authorised officer”) that the condition of a vehicle which he is so authorised to examine or inspect or the condition of any load carried by that vehicle is such that to drive the vehicle further will constitute an immediate risk to public safety, he may issue a notice in writing to the driver of the vehicle—

- (a) prohibiting the driving of the vehicle on a road or other public place except in such manner, subject to such conditions and for such purposes, if any, as may be specified in the notice;
- (b) stating—

- (i) the breaches of the statutory requirements or the defects which occasioned the prohibition; and
- (ii) that in his opinion the breaches or the defects are such that to drive the vehicle any further will constitute an immediate risk to public safety.

(2) A prohibition under paragraph (1) with respect to any vehicle shall, subject to any exemption granted in the prohibition, come into force as soon as the notice of the prohibition has been issued under that paragraph and shall continue in force until it is removed under paragraph (3).

(3) A prohibition under paragraph (1) may be removed by any authorised officer if he is satisfied, after examining the vehicle, that the defects specified in the notice under paragraph (1) (b) have been remedied so that the vehicle no longer constitutes a risk to public safety.

(4) The Department may by regulations made with the approval of the Department of Finance prescribe the fees to be paid for an examination under paragraph (3).

(5) Any person who drives a vehicle on a road or other public place or causes or permits a vehicle to be so driven in contravention of a prohibition under this Article shall be guilty of an offence under this Order.

(6) Any person who obstructs an authorised officer acting under this Article shall be guilty of an offence under this Order.

Classification of motor vehicles

37.—(1) Subject to Articles 212 and 213, motor vehicles shall, for the purposes of this Order and regulations made under this Order, be divided into the following classes—

- (a) heavy locomotives; that is to say, mechanically-propelled vehicles which are not constructed themselves to carry any load (other than the following substances or things, that is to say, water, fuel, accumulators and other equipment used for the purpose of the supply of power for the propulsion of the vehicle, loose tools and loose equipment), and the weight of which unladen exceeds $11\frac{1}{2}$ tons;
- (b) light locomotives; that is to say, mechanically-propelled vehicles which are not constructed themselves to carry any load (other than any of the substances or things mentioned in sub-paragraph (a)), and the weight of which unladen does not exceed $11\frac{1}{2}$ tons, but does exceed $7\frac{1}{4}$ tons;
- (c) motor tractors; that is to say, mechanically-propelled vehicles which are not constructed themselves to carry any load (other than any of the substances or things mentioned in sub-paragraph (a)), and the weight of which unladen does not exceed $7\frac{1}{4}$ tons;
- (d) heavy motor cars; that is to say, mechanically-propelled vehicles which are constructed themselves to carry a load or passengers, and the weight of which unladen exceeds 3 tons;
- (e) motor cars; that is to say, mechanically-propelled vehicles (not being vehicles classified under this Article as motor cycles or invalid carriages) which are constructed themselves to carry a load or passengers and the weight of which unladen does not exceed 3 tons;
- (f) motor cycles; that is to say, mechanically-propelled vehicles (not being vehicles classified under this Article as invalid carriages) having fewer than 4 wheels and the weight of which unladen does not exceed 8 hundredweight;

- (g) invalid carriages; that is to say, mechanically-propelled vehicles the weight of which unladen does not exceed 10 hundredweight and which are specially designed and constructed, and not merely adapted, for the use of persons suffering from some physical defect or disability and are used in accordance with the prescribed conditions.
- (2) Provision may be made by regulations for—
 - (a) subdividing any of the classes set out in paragraph (1), whether according to weight, construction, nature of tyres, use or otherwise; and
 - (b) varying as respects any class the maximum or minimum weight fixed by this Article.
- (3) For the purposes of this Order—
 - (a) where a motor vehicle is so constructed that a trailer may by partial superimposition be attached to the vehicle in such manner as to cause a substantial part of the weight of the trailer to be borne by the vehicle, that vehicle shall be deemed to be a vehicle itself constructed to carry a load; and
 - (b) where a motor vehicle is fitted with a crane, dynamo, welding plant or other special appliance or apparatus which is a permanent or essentially permanent fixture, the appliance or apparatus shall not be deemed to constitute a load, but shall be deemed to form part of the vehicle; and
 - (c) a side car attached to a motor cycle shall, if it complies with the prescribed conditions, be deemed to form part of the vehicle to which it is attached and not to be a trailer; and
 - (d) where a motor vehicle is constructed or adapted for use and is used for the conveyance of farming or forestry implements fitted to the vehicle for operation while so fitted, the implements shall not be deemed to constitute a load, but shall be deemed to form part of the vehicle.

Lighting of vehicles

Lights and reflectors to be carried by vehicles

38.—(1) Subject to the provisions of this Part and of any regulations made under this Part, every vehicle on a road during the hours of darkness shall carry—

- (a) two lamps, each showing to the front a white light visible from a reasonable distance;
 - (b) two lamps, each showing to the rear a red light visible from a reasonable distance;
 - (c) two unobscured and efficient red reflectors attached to the vehicle,
- and every such lamp shall, while the vehicle is on a road during those hours, be attached to the vehicle in the prescribed position and manner and kept properly trimmed, lighted and in a clean and efficient condition.

(2) Subject to and in accordance with regulations made under Article 49 (5), every vehicle on a road shall carry, in addition to side lamps, such obligatory head lamps to illuminate the road as may be so prescribed and every such head lamp shall comply with the prescribed conditions and be kept lit in the prescribed circumstances when the vehicle is in motion on a road.

Persons liable to provide vehicle with lamps, etc.

39. Any person who causes or permits a vehicle to be on any road during the hours of darkness shall provide the vehicle with lamps and reflectors in accordance with Article 38 and any regulations made under this Part.

Prohibited lamps

40.—(1) No vehicle shall show a red light to the front or, subject to paragraph (2), any light other than a red light to the rear.

(2) Paragraph (1) shall not operate so as to prevent a vehicle from showing to the rear a white light or a light of any other prescribed colour for the purposes of—

- (a) reversing only or indicating that the vehicle is reversing or is about to reverse;
- (b) the internal illumination of the vehicle;
- (c) illuminating a number plate or taximeter or any device for giving signals to overtaking traffic;
- (d) illuminating boards, plates or devices indicating the route or destination of a public service vehicle.

Multi-purpose lamps and combined lamps and reflectors

41.—(1) Nothing in Article 38 shall require a vehicle to carry separate lamps for different purposes, if it carries in the prescribed position a lamp satisfying all the requirements which would be applicable to separate lamps carried by it for those purposes.

(2) Where the rear lamp of a vehicle is so constructed that, when not showing a light, it is an efficient red reflector complying with any regulations made for the purposes of this Article under Article 49 which apply to the vehicle, it shall be treated for the purposes of Article 38 as being such a reflector when it is, as well as when it is not, showing a light.

(3) In this Article “prescribed position” includes the position prescribed by regulations made under Article 49 as to the position in which a lamp carried for the purposes of both sub-paragraphs (a) and (b) of Article 38 (1) is to be attached.

Restriction on movement of lamps

42. Save as the Department may by regulations otherwise provide, no light shown by a vehicle, other than a dipping head light, shall be moved by swivelling, deflecting or otherwise while the vehicle is in motion.

Lights to be carried on bicycles, tricycles and invalid carriages

43. Articles 38 to 42 and regulations made under Article 49 shall apply to bicycles, tricycles and invalid carriages subject to the following modifications—

- (a) in the case of a bicycle not having a sidecar attached, whether propelled by mechanical power or not, and in the case of a tricycle not propelled by mechanical power, and in the case of an invalid carriage, only a single lamp showing a white light to the front instead of two such lamps need be carried;
- (b) in the case of a bicycle or tricycle not propelled by mechanical power, or of a bicycle propelled by mechanical power and not having a sidecar attached, only a single lamp showing a red light to the rear instead of two such lamps and only a single red reflector instead of two such reflectors need be carried;

- (c) in the case of a bicycle not having a sidecar attached, whether propelled by mechanical power or not, and in the case of a tricycle not propelled by mechanical power, no lamp need be carried if the bicycle or tricycle is being wheeled by a person on foot as near as possible to the near or left-hand edge of the carriageway;
- (d) in the case of a bicycle or tricycle not propelled by mechanical power, no light required by this Part need be shown if the bicycle or tricycle is stationary owing to the exigencies of the traffic or in order to comply with any traffic signal or direction and the bicycle or tricycle is as near as possible to the near or left-hand edge of the carriageway, so however that this paragraph shall have effect only until such day as the Department may by order appoint.

Lights to be carried on horse drawn vehicles

44. Articles 38 to 42 and regulations made under Article 49 shall apply to vehicles drawn by horses or other animals subject to the following modifications—

- (a) only one lamp showing a white light to the front shall be required to be carried, which lamp shall be attached to the off or right-hand side of the vehicle;
- (b) a rear lamp need not be carried.

Lights on vehicles carrying overhanging or projecting loads

45.—(1) Without prejudice to Articles 38 to 44, where a vehicle on a road during the hours of darkness carries a load overhanging laterally more than 12 inches from the centre of the nearest side lamp, the vehicle shall carry in substitution for or in addition to that side lamp, a lamp showing to the front a white light visible from a reasonable distance on the side or each side on which the load so overhangs, and such substituted or added light shall be so placed that no part of the load shall project outwards more than 12 inches beyond a vertical line through the centre of such substituted or added lamp.

(2) Where a vehicle on a road during the hours of darkness carries a load projecting to the rear more than two feet behind its rear lamp, it shall carry an additional rear lamp in such a position that no part of the load projects to the rear more than two feet behind that additional rear lamp.

(3) Every rear lamp carried in accordance with this Article or regulations made under Article 49 shall comply with the prescribed conditions.

(4) This Article shall apply to vehicles drawn by horses and other animals as it applies to other vehicles but in relation to such first-mentioned vehicles a reference to the red reflectors required by Article 38 shall be substituted for the reference in paragraph (2) to the rear lamp.

Lights on vehicles towing or being towed

46.—(1) Articles 38 to 45 shall apply to a vehicle drawing another vehicle or vehicles and to such other vehicle or vehicles subject to the following modifications—

- (a) rear lamps need not be carried by the drawing vehicle nor by any vehicle being drawn except the rearmost vehicle;
- (b) side lamps need not be carried by any vehicle being drawn;
- (c) red reflectors need not be carried except by the rearmost vehicle

(2) If the distance between any vehicle referred to in paragraph (1) and the vehicle attached behind it exceeds 5 feet, Articles 38 to 45 shall apply to each vehicle without the modifications specified in that paragraph.

(3) If a vehicle being drawn or any load carried on the vehicle projects laterally on either side more than 12 inches beyond the outermost side lamp on that side carried by the vehicle by which it is being drawn or by any preceding vehicle which is also being drawn by the same vehicle, an additional or substituted side lamp shall be carried on the side or each side on which the vehicle or its load so projects and shall be so placed that no part of the vehicle or its load shall project outwards more than 12 inches beyond a vertical line through the centre of such additional or substituted side lamp.

(4) This Article shall have effect subject to the provisions of any regulations made under Article 49.

(5) For the purposes of this Article, the distance between two vehicles shall be measured between the nearest points of the vehicles, so, however, that the draw bar and the fitting for its attachment shall not be deemed to form part of either vehicle.

Failure to comply with requirements as to lighting of vehicles

47. Any person who causes or permits a vehicle to be on a road in contravention of any of the provisions of Articles 38 to 46 or of any regulations made under Article 49 shall be guilty of an offence under this Order, but he shall not be liable to be convicted of an offence under this Article if he proves to the satisfaction of the court that the offence occurred through the negligence or default of some other person whose duty it was to provide the vehicle with any lamp or reflector.

Application of Articles 38 to 47

48.—(1) Articles 38 to 47 and regulations made under Article 49 shall not apply to railway locomotives, rail cars, carriages and trucks, or to tramcars, but save as aforesaid shall apply to vehicles of every description, and shall apply to machines and implements of any kind drawn or propelled along a road (whether by mechanical or animal power) as they apply to vehicles.

(2) In the application of Articles 38 to 47 and regulations made under Article 49 to vehicles in the public service of the Crown, the person whom the department in whose service the vehicle is used names as the person actually responsible shall be deemed for the purposes of this Order to be the person who causes or permits the vehicle to be on a road.

Regulations for purposes of Articles 38 to 46 and 48

49.—(1) The Department may by regulations prescribe—

- (a) the conditions subject to which lamps showing a white light to which Article 40 (2) (a) applies may be used including—
- (i) the angles at which beams of light may be projected,
 - (ii) the height, width and range of illumination of the beams,
 - (iii) the method of ascertaining the height, width and range of illumination of the beams,
 - (iv) the extent and method of obscuration to be employed,
 - (v) the position of any lamps on a vehicle;
- (b) the conditions applicable to rear lamps;

- (c) the conditions applicable to the movement of lamps on vehicles;
 - (d) the conditions applicable to reflectors carried on vehicles in accordance with Articles 38, 41 and 43 or of any regulations made under this Article including the position and manner in which they are to be attached to the vehicle.
- (2) The Department may by regulations add to, or vary, the requirements of Articles 38 to 46 and in particular—
- (a) require or permit distinctive lamps to be carried displaying lights of such colour and used under such conditions as may be prescribed, in the case of—
 - (i) public service vehicles or any class or description of public service vehicles,
 - (ii) vehicles used for police purposes,
 - (iii) ambulances,
 - (iv) vehicles used for any other special purpose,and, where distinctive lamps are so required or permitted prohibit similar lamps being carried by any other vehicles;
 - (b) provide that, in relation to vehicles of any prescribed class or description, Article 45 (2) shall have effect with the substitution for references to two feet in that paragraph of references to such longer distance, not being more than six feet, as may be prescribed in relation to vehicles of that class or description;
 - (c) provide that where a vehicle on a road during the hours of darkness carries a load overhanging laterally by more than the prescribed distance (measured from such point as may be specified in the regulations), the vehicle shall carry a rear lamp in the prescribed position to indicate the overhang.
- (3) Regulations made under paragraph (2) (c) may be expressed to apply to a vehicle otherwise exempted from carrying a rear lamp by Article 46.
- (4) The Department may by regulations exempt either wholly or partially, and subject to any prescribed conditions—
- (a) from any of the requirements of Articles 38 to 46—
 - (i) any vehicle or vehicles of any class or description while carrying inflammable or explosive goods of a nature specified in the regulations, or in a place where inflammable or explosive material of a nature so specified is handled or stored, if an application is made for the purpose by any body which in the opinion of the Department is a body proper to make such an application,
 - (ii) any vehicle or vehicles of any class or description when standing or parked within 100 yards of a street lamp or on road verges or in places specially set aside for the purpose,
 - (iii) vehicles drawn or propelled by hand;
 - (b) from all or any of the requirements of Articles 38 and 39, vehicles of any particular class or description either generally or in any particular circumstances;
 - (c) a vehicle carrying an additional rear lamp for the purposes of Article 45 from carrying any other rear lamp or rear lamps in any prescribed circumstances.
- (5) The Department may make regulations prescribing anything which is to be prescribed for the purposes of Article 38 (2) and, without prejudice to the

generality of this paragraph, such regulations may authorise the combination in a single unit of an obligatory head lamp and a side lamp.

(6) Regulations made under paragraph (5) for the purposes of Article 38 (2) may—

(a) make provision for any matter in respect of which regulations may be made under paragraphs (1) to (4);

(b) apply any regulations in force under those paragraphs, with respect to lamps showing a light to the front.

Speed limits

General speed limit on certain roads

50.—(1) Subject to the provisions of Article 52, it shall not be lawful for any person to drive a motor vehicle on a restricted road at a speed exceeding 30 miles per hour or such other speed as may be specified in relation to that road by an order made by the Department under paragraph (4) (a).

(2) Subject to the provisions of this Article, a restricted road shall for the purposes of this Order be a length of road—

(a) where—

(i) on 1st October 1956 a system of street lighting furnished by means of lamps placed not more than 200 yards apart was provided on that length of road, and

(ii) there is not in force in respect of that length of road any order made under paragraph (4) (c) (ii); or

(b) where there is for the time being in force as respects that length of road an order under paragraph (4) (c) (i).

(3) The points at which any length of road begins and ceases to be a restricted road—

(a) as respects such a restricted road as is referred to in paragraph (2) (a)—

(i) shall be such points, distant not more than 200 yards from the first and last respectively of the lamps by means of which the system of lighting is furnished, as may be indicated by traffic signs erected in accordance with paragraph (7), or

(ii) where a traffic sign is not required to be erected in accordance with paragraph (7), shall be at the first and last of such lamps respectively;

(b) as respects such a restricted road as is referred to in paragraph (2) (b), shall be such points as shall be designated in the relevant order.

(4) The Department may from time to time by order—

(a) increase or reduce the rate of speed fixed by paragraph (1) (either as originally enacted or as varied by an order under this paragraph), either generally or as respects such length of road as may be specified in the order;

(b) provide that paragraph (1) shall not apply during such hours as may be specified in the order;

(c) direct that any length of road specified in the order—

(i) shall be a restricted road, or

(ii) shall not be a restricted road notwithstanding that on 1st October 1956 such a system of lighting as is referred to in paragraph (2)

(a) was provided on that length of road.

(5) Before making an order under this Article the Department may, if it thinks fit, hold a public inquiry.

(6) An order under paragraph (4) (a) increasing or reducing the rate of speed fixed by paragraph (1) or (4) (a) or an order under paragraph (4) (b) shall be subject to affirmative resolution.

(7) The Department shall—

(a) erect and maintain traffic signs in such positions as may be requisite for the purpose of securing that adequate guidance is given to drivers of motor vehicles as to the places where a length of road begins, and ceases, to be a restricted road and as to whether any length of road is a restricted road; and

(b) so alter or remove traffic signs as may be requisite in order to give effect to general or other directions given by the Department whether in consequence of the making of an order under paragraph (4) or otherwise.

(8) The Department may enter and erect and maintain traffic signs on a road other than a public road; and in respect of any damage done in the course of such erection and maintenance the Department shall pay to the person or body lawfully entitled thereto such sum by way of compensation as shall be agreed upon or in default of agreement determined by arbitration.

(9) No provision of any other enactment imposing any limit or restriction on or in respect of any motor vehicle shall have effect so as to render lawful any contravention of any of the foregoing provisions of this Article, nor shall any of such foregoing provisions operate to increase the maximum speed permitted by or under any such enactment.

Temporary or experimental speed limits

51.—(1) Where the Department is satisfied that it is desirable to do so in the interests of safety or for the purpose of facilitating the movement of traffic, it may after giving public notice of its intention to do so (including publication thereof in at least one newspaper circulating in the area to which the order applies) by order prohibit for a period not exceeding 4 months the driving of motor vehicles on—

(a) any particular road specified in the order; or

(b) all roads in any area so specified; or

(c) all roads; or

(d) roads of any class or description specified in the order whether in a particular area or generally; or

(e) all roads other than roads of a class or description so specified,

at a speed greater than that specified in the order either generally, or at times, on days or during periods so specified.

(2) An order under paragraph (1) shall not operate to increase any maximum speed limit imposed under any other enactment (including any other provision of this Order) with respect to roads, motor vehicles or the drivers of motor vehicles.

(3) Without prejudice to section 17 (5) of the Interpretation Act (Northern Ireland) 1954, an order under paragraph (1) may impose limits on the speed of vehicles generally or of any class or description of vehicles on any length or portion of the carriageway.

(4) The Department may by order continue in force the provisions of any order under paragraph (1) for a period not exceeding 4 months from the date on which those provisions would otherwise expire, so, however, that the provisions of an order under paragraph (1) shall not under this paragraph be continued in force for any period extending beyond the expiration of a period of 12 months from the date on which those provisions first came into force.

(5) The Department may, by order made subject to affirmative resolution, continue in force the provisions of any order under paragraph (1) (including such an order continued in force under paragraph (4)) for any specified period or indefinitely.

(6) Where an order under this Article applies to any particular road or to roads in any particular area, the Department shall erect and maintain such traffic signs in such positions as may be requisite for the purpose of ensuring that adequate guidance is given to drivers of motor vehicles using or entering that particular road or roads in that particular area.

(7) The Department may enter and erect and maintain traffic signs on a road other than a public road; and in respect of any damage done in the course of such erection and maintenance the Department shall pay to the person lawfully entitled thereto such sum by way of compensation as shall be agreed upon or in default of agreement as shall be determined by the Lands Tribunal on a reference made to it by the Department or that person.

Exemption of fire engines, etc., from speed limits

52.—(1) The provisions of any enactment imposing a speed limit on motor vehicles shall not apply to any vehicle on an occasion when it is being used for fire brigade, ambulance, police or customs purposes, if compliance with those provisions would be likely to hinder the use of the vehicle on that occasion for any of those purposes.

(2) Nothing in this Article shall affect any civil claim for injury or damage to person or property.

PART V

REGULATION OF GOODS VEHICLES AND PUBLIC SERVICE VEHICLES,
TOGETHER WITH THE DRIVERS OF SUCH VEHICLES, AND CONTROL
OF LARGE PRIVATE PASSENGER VEHICLES

Certification and regulation of goods vehicles

Goods vehicles not to operate unless certificate in force

53.—(1) Subject to this Article and Articles 54 to 59, no person shall use a goods vehicle on a road unless there is in force with respect to the vehicle a certificate granted under Article 54 (in this Order referred to as a “goods vehicle certificate”).

(2) Where a goods vehicle is being used on a road, the driver of the vehicle, if it belongs to him or is in his possession under an agreement for hire, hire purchase or loan, and in any other case the person whose agent or servant the driver is, shall, for the purposes of this Order, be deemed to be the person by whom the vehicle is being used.

- (3) This Article shall not apply—
- (a) to the use for any purpose other than the carriage of goods for hire or reward of a trailer when drawn by a motor vehicle constructed solely for the carriage of not more than 7 passengers, exclusive of the driver, and their effects;
 - (b) to the use of a dual-purpose vehicle, or a trailer drawn by a dual-purpose vehicle, for any purpose other than—
 - (i) the carriage or haulage of goods for hire or reward,
 - (ii) for or in connection with any trade or business, or
 - (iii) for or in connection with any function of a district council or other public authority;
 - (c) to the use of a tramcar or rail car in pursuance of the powers of any special Act of Parliament or any order having the force of an Act;
 - (d) to the use of a public service vehicle;
 - (e) to the use of a vehicle for the purposes of funerals;
 - (f) to the use by a district council of a vehicle for road cleansing, road watering or the collection or disposal of refuse, night-soil or the contents of cesspools;
 - (g) to the use of a vehicle for police, fire brigade or ambulance purposes;
 - (h) to the use of any vehicle, or any class or description of vehicle, as may be specified in the regulations, for any purpose whatsoever or for any prescribed purpose or in any prescribed circumstances.
- (4) Any person who uses a goods vehicle on a road contrary to this Article shall be guilty of an offence under this Order.

Goods vehicle certificates

- 54.—(1) A goods vehicle certificate may be—
- (a) granted by the Department upon payment of such fee (which shall be uniform in respect of every goods vehicle of a particular class);
 - (b) granted on such conditions and subject to revocation or suspension in such events; and
 - (c) generally dealt with in such manner, as may be prescribed, or as the Department may determine.
- (2) A goods vehicle certificate granted by the Department under paragraph (1) shall be in the prescribed form and shall, unless sooner revoked or suspended, continue in force for one year.
- (3) Any condition on which a goods vehicle certificate is to be granted may be either—
- (a) prescribed; or
 - (b) inserted in or endorsed on the certificate in respect of a vehicle, and a condition so inserted in or endorsed on a certificate shall have the like effect as if it were prescribed.

Restriction on carrying passengers on goods vehicles

- 55.—(1) No person, not being the driver or an authorised person, shall be carried on a goods vehicle except on permanently attached seats placed beside the driver's seat, so, however, that this Article shall not apply to a dual-purpose vehicle.

(2) A driver of a goods vehicle who allows or permits any person (not being an authorised person) to be carried on the vehicle, and any person so carried, shall be guilty of an offence under this Order.

(3) Authorised persons for the purposes of this Article are—

- (a) the owner of the vehicle;
- (b) any person in the employment of the owner carried on the vehicle in connection with such employment and with the consent of the owner;
- (c) any person (in this Article referred to as “the hirer”) who hires the vehicle for his exclusive use in connection with his trade or business;
- (d) any person in the employment of the hirer carried on the vehicle in connection with such employment and with the consent of the hirer and the owner; and
- (e) any other persons (not exceeding two) carried on the vehicle, with the consent of the owner, for the purpose of work in connection with the load.

Limitation of continuous hours of duty of drivers of goods vehicles

56.—(1) No person shall drive, or cause or permit any person employed by him or subject to his orders to drive, a goods vehicle—

- (a) for any continuous period longer than the number of hours prescribed for a continuous period of driving; or
- (b) for continuous periods in any period of 24 hours amounting in the aggregate to more than the number of hours prescribed for such continuous periods of driving; or
- (c) so that the driver has not at least the prescribed period for rest in any period of 24 hours calculated from the commencement of any period of driving; or
- (d) for continuous periods in any period of 7 days amounting in the aggregate to more than the number of hours prescribed for such continuous periods of driving; or
- (e) so that the driver has not at least the prescribed period of rest in any period of 7 days.

(2) For the purposes of this Article and of any regulations made under Article 58—

- (a) any two or more periods of time shall be deemed to be a continuous period unless separated by an interval of not less than half an hour in which the driver is able to obtain rest and refreshment;
- (b) any time spent by a driver on other work in connection with a vehicle or the load carried by the vehicle, shall be reckoned as time spent in driving;
- (c) any time spent in driving or resting outside Northern Ireland may be taken into account in calculating any period prescribed under paragraph (1).

(3) Any person who drives, or who causes or permits any person employed by him or subject to his orders to drive, a goods vehicle contrary to the domestic drivers’ hours code shall be guilty of an offence under this Order.

(4) This Article shall not apply to motor vehicles used for fire brigade or ambulance purposes and a person shall not be liable to be convicted of an offence under this Article, if he proves that the contravention was due to

unavoidable delay in the completion of the journey to which the offence alleged relates by reason of circumstances which he could not reasonably have foreseen.

- (5) The Department may by regulations—
- (a) exempt from the provisions of this Article goods vehicles of such a class or description as may be specified in the regulations;
 - (b) provide that this Article shall apply to motor vehicles of such a class or description as may be so specified (not being goods vehicles) as it applies to goods vehicles;
 - (c) provide that this Article shall apply to goods vehicles of any class or description with such modifications as may be so specified;
 - (d) require drivers and employers of drivers to keep or to cause to be kept in such manner as may be so specified records with respect to such matters relevant to the provisions of this Article as may be so specified;
 - (e) require to be installed in vehicles of such classes or descriptions and in such manner and place as may be so specified, equipment of such type and manner as may be so specified, for recording information as to the use of the vehicle and impose duties on the owners and drivers of the vehicle with respect to the use and operation of the equipment;
 - (f) provide for the inspection of any records required to be kept or equipment to be installed under sub-paragraphs (d) and (e) respectively.

(6) In this Order “the domestic drivers’ hours code” means the provisions of paragraphs (1) and (2) (including those provisions as applied by Article 63), any provision made by regulations under Article 83 by way of substitution for or adaptation of those provisions, and the provisions of any regulations made under paragraph (5) or made under Article 58 for purposes of those paragraphs.

Power to stop goods vehicles

57.—(1) An inspector of vehicles may at any time, on production if so required of his authority, enter and inspect any goods vehicle, and for that purpose may stop and detain the vehicle during such time as is required for the inspection, and may at any time which is reasonable, having regard to the circumstances, enter any premises in or on which he has reason to believe that a goods vehicle is kept.

(2) An inspector of vehicles may at any time, on production if so required of his authority, exercise in relation to goods vehicles all such powers as are under this Order exercisable by a member of the Royal Ulster Constabulary with respect to the production of documents and the giving of information by persons driving motor vehicles.

(3) Any person who obstructs an inspector of vehicles in the performance of his duty shall be guilty of an offence under this Order.

Regulations for purposes of Articles 53 to 57

58.—(1) The Department may make regulations for the purpose of prescribing anything which is to be prescribed in Articles 53 to 57 and otherwise for giving effect to those Articles and in particular, and without prejudice to the generality of the foregoing power—

- (a) may provide that fees of such amounts as may be prescribed with the approval of the Department of Finance shall be payable on an application for a certificate under Article 54; and

(b) may exempt from the provisions of Article 53 goods vehicles or any class or description of goods vehicle brought temporarily into Northern Ireland for use on roads in Northern Ireland.

(2) Regulations made under paragraph (1) for the purposes of Article 56 may prescribe periods of driving of different duration for different classes of vehicles and for vehicles of the same class operating under different conditions and any such regulations may be expressed to apply for the purposes of Article 63 as they apply for the purposes of Article 56.

Licensing and regulation of public service vehicles

Public service vehicle not to ply for hire, etc., unless driver, etc., licensed

59.—(1) No public service vehicle shall stand or ply for hire or carry passengers for hire unless the driver, in addition to a licence granted under Article 12 to drive a motor vehicle of the class or description to which the vehicle belongs, holds a licence granted under Article 70 and, where the vehicle is a vehicle of a class which is required by regulations to carry a conductor, the conductor holds a licence granted under Article 70.

(2) If a public service vehicle stands or plies for hire or carries passengers for hire contrary to this Article the owner of the vehicle shall be guilty of an offence under this Order unless he proves that the driver or conductor, as the case may be, acted without his privity or consent.

Public service vehicle not to ply for hire, etc., unless vehicle licensed

60.—(1) A public service vehicle shall not stand or ply for hire or carry passengers for hire unless there is in force with respect to the vehicle a licence granted under Article 61 (in this Order referred to as a “public service vehicle licence”).

(2) If a public service vehicle is used in standing or plying for hire or is used to carry passengers for hire in contravention of this Article, the owner of the vehicle and the driver and conductor of the vehicle shall be guilty of an offence under this Order but the driver, or the conductor, shall not be guilty of an offence under this Article if he proves that he did not know that there was not in force in relation to the vehicle a licence granted under Article 61.

(3) Any public service vehicle which is used in standing or plying for hire or which is used to carry passengers for hire without having such distinguishing mark or plate as may from time to time be prescribed shall be deemed to be an unlicensed public service vehicle.

Grant of public service vehicle licences

61.—(1) Licences in respect of public service vehicles of such different classes as may be prescribed may be—

- (a) granted by the Department in such form and upon payment of such fee (which shall be uniform in respect of every vehicle of a particular class);
- (b) granted on such conditions and subject to revocation or suspension in such events;
- (c) generally dealt with in such manner,

as may be prescribed, or as the Department may determine.

(2) A public service vehicle licence granted by the Department under paragraph (1) shall, unless sooner revoked or suspended, continue in force for one year.

(3) A public service vehicle licence shall not be granted under paragraph (1) unless the applicant for the licence—

(a) satisfies the Department that on the date when the licence will come into operation there will be in force, in relation to the user on a road of the vehicle for which the licence is sought, such a policy of insurance or such a security in respect of third-party liabilities as complies with the requirements of Part VIII;

(b) shows to the reasonable satisfaction of the Department that he will be in a position to satisfy all lawful claims which may be made against him in respect of damage to property caused by the user of the vehicle on a road.

(4) Any condition on which a public service vehicle licence is to be granted may be either—

(a) prescribed; or

(b) inserted in or endorsed on the licence in respect of the vehicle,

and a condition so inserted in or endorsed on a licence shall have the like effect as if it were prescribed.

(5) The different classes of vehicles in respect of which licences are granted under this Article shall be distinguished in such manner as may be prescribed.

Public service vehicles not to carry more than the prescribed number of persons

62.—(1) A public service vehicle shall not carry a greater number of persons than that prescribed for the vehicle.

(2) If a greater number of persons than that prescribed for the vehicle is carried in a public service vehicle the owner of the vehicle and the conductor of the vehicle shall be guilty of an offence under this Order.

(3) Where a person is convicted of an offence under this Article, the court shall cause particulars of the conviction to be endorsed upon the licence granted under Article 61 in respect of the vehicle, and upon the licence granted under Article 70 to the conductor.

(4) The owner and the conductor of a public service vehicle who is charged with an offence under this Article shall, when required to do so, produce to the court before which he is charged the licence granted in respect of the vehicle under Article 61 or the licence granted to him under Article 70, as the case may require, and if he fails to do so shall be guilty of an offence under this Order.

(5) References in this Article to the conductor of a public service vehicle include, where the driver of the vehicle is in sole control of the vehicle, references to that driver.

Limitation of continuous hours of duty of drivers of public service vehicles

63. Article 56 shall apply to the driving of public service vehicles as it applies to the driving of goods vehicles and paragraph (2) (b) of that Article shall in its application to public service vehicles have effect as if that subparagraph included a reference to any time spent by a driver on a public service vehicle in any capacity other than that of a passenger.

Power to stop and examine public service vehicles

64.—(1) An authorised officer may stop and examine any public service vehicle which is plying for hire or carrying passengers for hire.

(2) If the authorised officer is satisfied that the vehicle does not comply with regulations made under Article 66 for ensuring the safety of passengers in public service vehicles and that danger to the passengers in the vehicle is likely to occur, he may require—

- (a) the passengers to leave the vehicle; and
- (b) suitable arrangements to be made by the owner of the vehicle for the immediate conveyance of the passengers to the places to which they are entitled to travel on the vehicle.

(3) If the owner of a public service vehicle fails to make suitable arrangements for the immediate conveyance of passengers upon being required so to do by an authorised officer under paragraph (2) (b) he shall be guilty of an offence under this Order.

(4) In this Article “authorised officer” means a member of the Royal Ulster Constabulary, or an officer of the Department who is authorised by the Department for the purposes of this Article.

Power to make bye-laws regulating public service vehicles within any area

65.—(1) Subject to paragraph (2), the Department may make bye-laws regulating public service vehicles (in this Article referred to as “vehicles”) used in standing or plying for hire, or used to carry passengers for hire, within any area.

(2) The purposes for which bye-laws may be made under paragraph (1) are—

- (a) preventing vehicles from standing or plying for hire on, or preventing vehicles from using except in accordance with the bye-laws, specified streets or portions of streets or in any specified district in the area;
- (b) preventing, either generally or during particular hours, vehicles carrying passengers from any depot or stand in any street or district in the area;
- (c) prescribing which premises vested in or controlled by the Department and which portions of streets in the area may be used as stands or starting places for vehicles;
- (d) prescribing the number of vehicles which may stand at each stand or parking place and fixing the charges to be made and the time during which vehicles may remain there;
- (e) regulating the times and intervals at, and the order in, which vehicles may enter or leave such stands or starting places, or commence their journeys from any particular point or on any particular route;
- (f) enforcing order at and on such stands, starting places, points and routes;
- (g) reserving particular stands or starting places for the use of vehicles or of vehicles plying on particular routes, and excluding from those stands or starting places all other vehicles (whether within the meaning of this Article or not) and generally regulating access to and the use of those stands or parking places;
- (h) prescribing the routes to be followed, either generally or during particular hours, by vehicles from one specified point to another within the area;

- (i) excluding, either generally or during particular hours, from specified streets or portions of streets in the area all vehicles except those which are proceeding in one particular direction;
- (j) prescribing the points within the area other than such stands or starting places at which, and the time during which, vehicles may stop for the purpose of taking up or setting down passengers, and preventing vehicles from stopping for such purposes at any points, or for longer than the time so prescribed;
- (k) prescribing the distance, not exceeding 10 miles beyond the boundaries of the area, for which drivers of vehicles shall be obliged to carry passengers for hire;
- (l) fixing the maximum rates or fares to be charged for or on vehicles for passengers and luggage within the area and a distance of 10 miles beyond the boundaries of the area, together with the minimum rates or fares to be charged therefor within the area, and for preventing the driver or conductor of a vehicle from demanding more, or accepting less, than the maximum or minimum fare so fixed.

(3) The provisions of Part VI of the Local Government Act (Northern Ireland) 1972 (a) shall apply to bye-laws made under this Article and to bye-laws made under any local Act by the Department for the regulation of vehicles or any class or description of vehicles (by whatever name called); and in relation to such bye-laws made under a local Act the Department shall be substituted for any other confirming or approving authority specified in the local Act.

Regulations for purposes of Articles 59 to 65 and 70

66.—(1) The Department may make regulations for all or any of the following purposes, which regulations may apply to public service vehicles generally or to public service vehicles of a particular class,—

- (a) prescribing, subject to the approval of the Department of Finance, the fees to be paid on application for, and on the issue of, licences under Articles 61 and 70;
- (b) regulating the manner in which the distinguishing mark or plate, referred to in Article 60 (3), is to be shown on any such vehicle;
- (c) regulating the number of persons who may be carried in any such vehicle, the space to be allotted to each such person, and the manner in which such number and space are to be indicated upon the vehicle;
- (d) regulating the manner in which such vehicles are to be furnished or fitted;
- (e) ensuring that such vehicles are fit for public hire;
- (f) ensuring the safety of persons carried in such vehicles;
- (g) providing for the inspection of such vehicles for the purpose of ensuring that they are fit for public hire and that persons may safely be carried in them;
- (h) providing for the cessation of the use of any such vehicle which at any time fails to comply with the regulations;
- (i) prescribing the classes of vehicles upon which a conductor must be carried in addition to the driver;

(a) 1972 c. 9 (N.I.).

- (j) requiring the wearing of badges by licensed drivers and conductors;
- (k) regulating the conduct of passengers and of persons employed in connection with such vehicles;
- (l) securing the due publication of the rates and fares to be paid by passengers in such vehicles or for the hire of such vehicles;
- (m) securing the safe custody and delivery to its owner of any property accidentally left in such vehicles and fixing the charges to be paid in respect of safe-keeping and delivery and empowering prescribed persons to cause such property to be sold, or given to the finder, in the event of its not being claimed within a prescribed time;
- (n) providing for the performance by constables of such duties as may be assigned to them under Article 64;
- (o) prescribing anything which is required to be prescribed by Articles 59 to 65 and generally for giving effect to those Articles;
- (p) requiring documents of any prescribed description relevant to the administration or enforcement of any directly applicable Community provision regulating the provision of international passenger-carrying road transport services to be kept and produced on demand for the inspection of a prescribed person;
- (q) prescribing persons to act as authorised inspection officers for purposes of any such Community provision;
- (r) without prejudice to any of the above sub-paragraphs, prescribing anything which is authorised to be prescribed under this paragraph by virtue of Article 10 (1) of the Transport (Northern Ireland) Order 1977 (a).

(2) The Department may by regulations exempt from all or any of the provisions of Articles 59 to 65 and 70 or of any regulations made under paragraph (1) public service vehicles or any class or description of public service vehicles registered elsewhere than in Northern Ireland or brought temporarily into Northern Ireland or the drivers of such vehicles or modify or adapt such provisions in relation to such vehicles or drivers.

(3) Where any such directly applicable Community provision as is referred to in paragraph (1) (p) requires the keeping or production of any document, any person who contravenes that requirement shall be guilty of an offence under this Order.

*Inspection and certification of
large private passenger vehicles*

Certificate of inspection of large private passenger vehicles

67.—(1) In this Article and Articles 68 and 69 the expression “large private passenger vehicle” means a motor vehicle, not being a public service vehicle, constructed or adapted primarily for the purpose of the carriage of more than 8 passengers in addition to the driver or a dual-purpose vehicle constructed or adapted for that purpose but does not include any vehicle in respect of which a certificate of exemption has been issued by the Department.

(2) As from the appointed day a large private passenger vehicle shall not be used on a road for the carriage of passengers unless there is in force in

(a) S.I. 1977/599 (N.I. 10).

relation to the vehicle a certificate granted by the Department showing that the vehicle has been inspected and has been found to comply with such requirements relating to the construction and condition of vehicles as may be prescribed (in this Article and Article 69 referred to as “a certificate of inspection”).

(3) A certificate of inspection may be granted upon payment of such fee as may be prescribed with the approval of the Department of Finance and may be issued upon such conditions, be in such form, be subject to revocation and suspension in such events, and generally be dealt with in such manner as may be prescribed.

(4) Subject to the provisions of paragraph (3), Article 69 (a) and any regulations made under Article 69 (a) as to the revocation, suspension or surrender of certificates, a certificate of inspection shall continue in force for a period of 12 months from the date on which it is expressed to take effect.

(5) If a large private passenger vehicle in respect of which no certificate of inspection is in force is used on a road for the carriage of passengers, the owner and, subject to paragraph (6), the driver of the vehicle shall be guilty of an offence under this Order.

(6) It shall be a good defence for the driver of a large private passenger vehicle who is charged with an offence under paragraph (5) to prove that at the time of the commission of the offence he did not know, and had no reasonable cause to believe, that a certificate of inspection was not in force in relation to the vehicle.

(7) Paragraphs (2) and (5) shall not apply in relation to a vehicle while it is proceeding to, undergoing or returning from any inspection required to be made for the purposes of the grant of a certificate of inspection.

Power to stop and examine large private passenger vehicles

68.—(1) Any duly authorised officer wearing uniform may stop and examine any large private passenger vehicle whilst carrying passengers and if satisfied—

(a) that the vehicle does not comply with the regulations made under Article 69 (a); and

(b) that danger to the passengers is likely to result,

he may require that the passengers leave the vehicle.

(2) An inspector of vehicles shall have and may exercise in relation to large private passenger vehicles all or any of the powers, except the power to stop vehicles, conferred on him by Article 57 in relation to goods vehicles.

(3) In this Article “duly authorised officer” means a constable authorised by the Chief Constable to exercise the powers conferred by paragraph (1).

Regulations for purposes of Articles 67 and 68

69. The Department may make regulations (being regulations either as respects large private passenger vehicles or as respects any prescribed class or description of such vehicles) for all or any of the following purposes—

(a) regulating the manner in which any such vehicles are to be constructed, equipped or used in order to ensure the safety of the passengers and providing for inspection of vehicles for those purposes on payment of such fees as the Department may, with the approval of the Department of Finance, prescribe and for the suspension or revocation of a certificate

- of inspection in respect of a vehicle which at any time fails in any way to comply with the requirements of the regulations;
- (b) requiring a certificate of inspection in relation to a vehicle to be displayed on that vehicle in such manner and in such circumstances as may be prescribed;
 - (c) providing for the issue of certificates of exemption for the purposes of Article 67 (1), or exempting from the provisions of Articles 67 and 68 or of the regulations vehicles of any prescribed class or description or vehicles used for such purposes or in such circumstances as may be prescribed;
 - (d) prescribing anything which under Articles 67 and 68 may be or is to be prescribed and generally for the purpose of giving full effect to those Articles.

Licensing of drivers, etc., of public service vehicles

Drivers and conductors of public service vehicles to be licensed

70.—(1) A person shall not drive a public service vehicle when the vehicle is standing or plying for hire or carrying passengers for hire unless, in addition to a licence granted under Article 12 to drive a motor vehicle of the class or description to which that vehicle belongs, he is the holder of a public service vehicle driver's licence granted under paragraph (4).

(2) A person shall not be employed in or about a public service vehicle as a conductor of that vehicle unless he is the holder of a public service vehicle conductor's licence granted under paragraph (4).

(3) Nothing in paragraph (2) shall require the driver of a public service vehicle who is the holder of a public service vehicle driver's licence and who, in accordance with regulations, is also acting as the conductor of the vehicle, to be the holder of a public service vehicle conductor's licence.

(4) Public service vehicle drivers' and conductors' licences in the prescribed form may be granted by the Department upon payment of the prescribed fee.

- (5) Licences granted under paragraph (4) shall be—
- (a) granted subject to the prescribed conditions;
 - (b) liable to be revoked or suspended in the prescribed circumstances;
 - (c) in force for such period as may be prescribed if not earlier revoked or suspended;
 - (d) in the case of a public service vehicle driver's licence, granted only to persons aged 21 years or more who satisfy the Department that they are competent to drive a public service vehicle of the type for which the licence is required and are in all other respects fit to discharge the duties of a driver of such a vehicle, so, however, that this sub-paragraph shall have effect in the case of a licence to drive a public service vehicle having a seating capacity of not more than 6 persons in addition to the driver as if for the words "aged 21 years" there were substituted the words "aged 19 years";
 - (e) in the case of a public service vehicle conductor's licence, granted only to persons aged 18 years or more who satisfy the Department that they are capable of discharging the duties of such a conductor;
 - (f) generally dealt with in the prescribed manner.

(6) Any person who drives a public service vehicle in contravention of paragraph (1) or who acts as the conductor of a public service vehicle in contravention of paragraph (2) shall be guilty of an offence under this Order.

Licensing of drivers of heavy goods vehicles

Drivers of heavy goods vehicles to be licensed

71.—(1) Subject to the provisions of Articles 72 to 76, a person shall not drive a heavy goods vehicle of any class on a road unless he holds, in addition to a licence granted under Article 8 or 12 authorising him to drive a heavy goods vehicle of that class, a licence under Article 72 or 73 authorising him to drive such a heavy goods vehicle, and a person shall not cause or permit another person to drive a heavy goods vehicle of any class on a road unless that other person holds licences as aforesaid authorising him to drive a heavy goods vehicle of that class.

(2) Any person who acts in contravention of paragraph (1) shall be guilty of an offence under this Order.

(3) This Article shall not apply to the driving of, or causing or permitting a person to drive,—

- (a) a vehicle in any case where the excise duty in respect of the vehicle under the Vehicles (Excise) Act (Northern Ireland) 1972 is chargeable at the rate applicable to vehicles specified in paragraph 2 (1) of Part I of Schedule 3 to that Act and the vehicle is being driven for one of the purposes for which it must be solely used if duty is to remain chargeable at that rate;
- (b) a vehicle while it is driven on a road vested in or under the control of the Belfast Harbour Commissioners or other harbour commissioners having in relation to their harbour area powers similar to those of the Belfast Harbour Commissioners for restricting access to roads and regulating motor traffic thereon;
- (c) heavy goods vehicles of such classes or descriptions or used in such circumstances as may be prescribed.

Applications for, and grant of, heavy goods vehicle drivers' licences

72.—(1) Subject to paragraph (2), the Department may, upon payment of such fee as may be prescribed with the approval of the Department of Finance, grant to an applicant therefor a licence to drive a heavy goods vehicle of such class or classes as may be specified in the licence (in this Article and in Articles 73, 74 and 75 referred to as a "heavy goods vehicle driver's licence").

(2) Subject to the provisions of any regulations made under Article 76 (1), the Department shall not grant a licence under this Article to drive a heavy goods vehicle of any class unless it is satisfied that the applicant for the licence—

- (a) has at some time during the period of 5 years ending on the date of the receipt by the Department of his application passed the test of competence prescribed under Article 76 to drive vehicles of that class or of such other class as may be prescribed; or
- (b) has within that period held a heavy goods vehicle driver's licence authorising him to drive vehicles of that class or of such class as may be prescribed.

(3) Subject to the provisions of Article 75 (1) and any regulations made under that Article as to the revocation, suspension or surrender of licences, a

heavy goods vehicle driver's licence shall continue in force for a period of 3 years from the date on which it is expressed to take effect.

(4) Without prejudice to paragraph (3), if there come into existence, in relation to the holder of a heavy goods vehicle driver's licence who is under the age of 21 years, such circumstances as may be prescribed relating to his conduct as a driver of a motor vehicle, the Department shall revoke the licence.

(5) Where in pursuance of paragraph (4) the Department is required to revoke the heavy goods vehicle driver's licence of a person under the age of 21 years, that person shall be disqualified for holding or obtaining such a licence until he attains the age of 21 years.

(6) If, while the holder of a heavy goods vehicle driver's licence is disqualified under paragraph (5), the circumstances prescribed for the purposes of paragraph (4) cease to exist in his case, then, on an application made to the Department in that behalf, the Department shall remove the disqualification, but so long as the disqualification continues in force a heavy goods vehicle driver's licence shall not be granted to him and any such licence obtained by him shall be of no effect.

Power to issue heavy goods vehicle drivers' licences as provisional licences

73.—(1) For the purpose of enabling an applicant to learn to drive a heavy goods vehicle with a view to passing any test prescribed under Article 76 the Department may, upon payment of such fee as may be prescribed with the approval of the Department of Finance, issue to him a heavy goods vehicle driver's licence as a provisional licence.

(2) Subject to the provisions of Article 75 (1) and any regulations made under that Article as to the revocation, suspension or surrender of licences, a licence issued under this Article shall continue in force for a period of 6 months from the date on which it is expressed to take effect.

Heavy goods vehicle drivers' licences issued in Great Britain

74.—(1) If the Head of the Department certifies that satisfactory provision is made by the law of Great Britain for the issue of licences specifically to drive heavy goods vehicles, it shall be lawful for the holder of such a licence to drive, and be employed in driving, on a road in Northern Ireland heavy goods vehicles of any class which he is authorised by that licence to drive notwithstanding that he is not the holder of a heavy goods vehicle driver's licence or of a licence issued under Article 73.

(2) While a certificate is in force under paragraph (1) the Department may, notwithstanding anything in paragraph (2) of Article 72, grant a licence under that Article to drive a heavy goods vehicle of any class to an applicant resident in Northern Ireland if the Department is satisfied that the applicant has, within the period of 10 years ending on the date of the receipt by the Department of his application, held a licence issued under the law of Great Britain to drive a heavy goods vehicle of that class, not being a licence corresponding to a provisional licence under Article 73.

(3) At any time when no certificate is in force under paragraph (1) a person resident in Great Britain who is temporarily in Northern Ireland and holds a driving licence issued in Great Britain under Part III of the Road Traffic Act 1972 (a) authorising him to drive heavy goods vehicles of any class or description may during a period of 12 months from the date of his last entry into

(a) 1972 c. 20.

Northern Ireland drive, and be employed in driving, on a road in Northern Ireland a heavy goods vehicle of that class or description brought temporarily into Northern Ireland, notwithstanding that he is not a holder of a heavy goods vehicle driver's licence or of a licence issued under Article 73.

Conditions of issue, revocation and suspension of heavy goods vehicle drivers' licences, etc.

75.—(1) A heavy goods vehicle driver's licence or a licence under Article 73 or a heavy goods vehicle driver's licence granted to an applicant who is under the age of 21 years on the date of the application shall be issued upon such conditions, be in such form, be subject to revocation or suspension in such events including suspension until the holder has passed a test of competence prescribed under Article 76, and generally be dealt with in such manner as may be prescribed.

(2) The power conferred by paragraph (1) as to the revocation or suspension of a heavy goods vehicle driver's licence and of a licence issued under Article 73 in such events as may be prescribed shall include power to provide for the revocation or suspension in such events of a corresponding licence issued in Great Britain in so far as under Article 74 (1) it permits the driver while he is in Northern Ireland to drive such a vehicle on a road in Northern Ireland.

(3) If the holder of a heavy goods vehicle driver's licence or of a licence issued under Article 73 contravenes any of the conditions prescribed in respect of the licence he shall be guilty of an offence under this Order.

(4) It shall be an offence under this Order for a person to cause or permit another person who is under the age of 21 years to drive a heavy goods vehicle of any class in contravention of any prescribed conditions subject to which that other person's licence is issued.

Regulations for purposes of Articles 71 to 75

76. The Department may make regulations for the purpose of carrying the provisions of Articles 71 to 75 into effect and, without prejudice to the generality of the foregoing, may—

- (a) make provision with respect to tests of competence to drive heavy goods vehicles and, in particular, the nature of such tests, the qualifications, selection, appointment and removal of the persons by whom they may be conducted, and evidence of the results of the tests;
- (b) require an applicant for such test or for a licence under Article 72 or 73 to have such qualifications, experience and knowledge (including, in the case of an applicant for a licence, qualifications with respect to health and driving conduct and, if the applicant is to be authorised to drive vehicles of any class at an age below the normal minimum age for driving vehicles of that class, with respect to participation in an approved training scheme for drivers) as may be prescribed;
- (c) require a person submitting himself for a test to produce for the purposes of the test a vehicle of the class in respect of which he is to be tested, loaded or unloaded according as may be prescribed, and, in the case of a loaded vehicle, impose requirements about its loading;
- (d) restrict the issue of licences under Article 73, in the case of prescribed classes of applicants or in prescribed circumstances, to such classes of vehicle as may be prescribed;

- (e) provide that a licence, other than a provisional licence, to drive a heavy goods vehicle of a particular class shall also be treated for the purposes of Article 73 as a provisional licence to drive heavy goods vehicles of another prescribed class;
- (f) make provision for preventing a person holding more than one licence and for facilitating the identification of licence holders;
- (g) make provision with respect to applications for and the issue of heavy goods vehicle drivers' licences and licences issued under Article 73;
- (h) make provision with respect to the custody and production of any such licences or of any corresponding licences granted under the law of Great Britain and require the return to a prescribed authority of any such licence which has expired or been suspended or revoked;
- (i) require the payment of a fee of such amount as may be prescribed with the approval of the Department of Finance by a person who applies for a test and provide for the repayment of any such fee in prescribed circumstances;
- (j) provide that a person submitting himself for, but failing to pass, a test shall not be eligible to submit himself for another test before the expiration of a prescribed period, except under an order made by a court of summary jurisdiction under Article 78;
- (k) provide for the issue of a new licence in place of a licence lost or defaced on payment of such fee not exceeding 25p as may be prescribed;
- (l) make provision about the effect of a change in the meaning of "heavy goods vehicle" or in the classification of heavy goods vehicles for the purposes of Articles 71 to 78 and this Article on heavy goods vehicles drivers' licences then in force or issued or on the granting of such licences thereafter.

Regulations to require production of certificates, etc., on grant of vehicle excise licence

77. The Department may by regulations provide that where application is made for a licence under the Vehicles (Excise) Act (Northern Ireland) 1972 for a goods vehicle, a public service vehicle or a large private passenger vehicle, which is required to be certified under Article 53, 60 or 67, the licence shall not be granted unless there is produced such evidence as may be prescribed of the granting of a goods vehicle certificate, a public service vehicle licence or a certificate of inspection, relating to the vehicle and issued within the appropriate period before the date from which the licence is to be in force.

Appeals by persons failing to pass test prescribed under Article 76

78. A court of summary jurisdiction shall have power, on the application of a person who has submitted himself for the test of competence to drive a heavy goods vehicle, to determine whether the test was properly conducted in accordance with the regulations and, if it appears to the court that the test was not so conducted, the court may order that the applicant shall be eligible to submit himself to another test at any time and that any fee payable by the applicant in respect of the test shall not be paid or, if it has been paid, shall be repaid.

Interpretation of Articles 71 to 78

79. In Articles 71 to 78 and in this Article—

"approved training scheme for drivers" means a training scheme for drivers (within the meaning of Article 4 (4)) approved for the time being by the Department for the purposes of regulations under Article 76;

“articulated goods vehicle” has the same meaning as it has for the purposes of Part II;

“goods” includes goods or burden of any description;

“heavy goods vehicle” means any of the following vehicles —

(a) an articulated goods vehicle;

(b) a large goods vehicle, that is to say, a motor vehicle (not being an articulated goods vehicle)—

(i) which is constructed or adapted to carry or to haul goods, and

(ii) the permissible maximum weight of which exceeds 7.5 tonnes;

“normal minimum age for driving”, in relation to the driving of vehicles of any class, means the age which is in force under Article 4 (but apart from any approved training scheme for drivers) in relation to that class of vehicle;

“permissible maximum weight” has the same meaning as it has for the purposes of Part II.

Repayment of fees

Repayment of fees

80. The Department may, with the approval of the Department of Finance, prescribe the circumstances in which any fee paid in pursuance of regulations made under Article 58, 66 or 69, or under any earlier enactment having like effect, may be repaid.

PART VI

PROVISIONS RELATING TO APPLICABLE COMMUNITY RULES

Offences against applicable Community rules

81.—(1) Where, in the case of a driver or member of the crew of a motor vehicle, there is in Northern Ireland a contravention of any requirement of the applicable Community rules as to periods of driving, or distance driven, or periods on or off duty, then the offender and any other person (being the offender’s employer or a person to whose orders the offender was subject) who caused or permitted the contravention shall be guilty of an offence under this Order.

(2) Any person who contravenes any requirement as to books, records or documents of the applicable Community rules shall be guilty of an offence under this Order.

(3) Any person who makes or causes to be made any entry in a book, record or document kept for the purposes of the applicable Community rules which he knows to be false or, with intent to deceive, alters or causes to be altered any such entry shall be guilty of an offence under this Order.

Powers of inspection

82.—(1) An inspector of vehicles or a constable may, on production if so required of his authority, require any person to produce, and permit him to inspect and copy any book, record or document—

(a) which that person is required by the applicable Community rules to carry or have in his possession for the purpose of making in it any entry required by those rules or which is required under those rules to be carried on any vehicle of which that person is the driver;

(b) which that person is required by the applicable Community rules to preserve;

(c) which the inspector of vehicles or the constable, as the case may be, may reasonably require to inspect for the purpose of ascertaining whether the requirements of the applicable Community rules have been complied with.

(2) For the purpose of exercising his powers under paragraph (1) in respect of a document carried on, or by the driver of, a vehicle an inspector of vehicles or a constable, as the case may be, may detain the vehicle during such time as is required for the exercise of that power.

(3) Any person who—

(a) fails to comply with any requirement under paragraph (1); or

(b) obstructs an inspector of vehicles in the exercise of his powers under paragraph (2),

shall be guilty of an offence under this Order.

Regulations for purposes of the applicable Community rules or other relevant Community provisions

83.—(1) The Department may by regulations—

(a) make provisions supplementary and incidental to the requirements of the applicable Community rules as to books, records and documents; and

(b) make such provision by way of substitution for or adaptation of the provisions of Articles 56, 63, 81 and 82 and regulations made under those Articles, or supplemental or incidental to those provisions, as the Department considers necessary or expedient to take account of the operation of any relevant Community provision.

(2) Regulations under paragraph (1) may in particular—

(a) substitute different requirements for the requirements of the domestic drivers' hours code or add to, make exceptions from or otherwise modify any of the requirements of that code;

(b) apply to journeys and work to which no relevant Community provision applies;

(c) include provision as to the circumstances in which a period of driving or duty to which a relevant Community provision or the domestic drivers' hours code applies is to be included or excluded in reckoning any period for purposes of the domestic drivers' hours code or any relevant Community provision respectively; and

(d) contain such transitional, supplementary or consequential provisions as the Department considers necessary or expedient.

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.

(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 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.

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.

(2) A constable in uniform may arrest without warrant any person whom he has reasonable cause to suspect of having committed an offence under paragraph (1).

(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 (a), 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.

Application of Article 206 to foreign vehicles on harbour land

88.—(1) The powers conferred by Article 206 (1) (whereby an authorised officer or constable 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 weigh-bridge 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

(a) 1967 c. 37 (N.I.).

that Article 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 (a).

Interpretation and transitional provisions

89.—(1) In this Part—

“authorised officer” means—

- (a) an inspector of vehicles,
- (b) an inspector appointed under section 37 of the Transport Act (Northern Ireland) 1967,
- (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) in relation to functions under Article 206, a person authorised by the Department for the purposes of paragraph (1) of that Article;

“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

(a) 1970 c. 1 (N.I.).

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 the Vehicles (Excise) Act (Northern Ireland) 1972 or under the Vehicles (Excise) Act 1971 (a) or under any statutory provisions repealed by those Acts 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 this Order, 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.

PART VIII

INSURANCE AGAINST THIRD-PARTY LIABILITIES

Users of motor vehicles to be insured or secured against third-party risks

90.—(1) Subject to the provisions of this Part, it shall not be lawful for any person to use, or to cause or permit any other person to use, a motor vehicle on a road unless there is in force in relation to the user of the vehicle by that person or that other person, as the case may be, such a policy of insurance or such a security in respect of third-party risks as complies with the requirements of this Part.

(2) This Article shall not apply to a motor vehicle owned by—

(a) the district council of the City of Belfast or the district council of the City of Londonderry or the Belfast Harbour Commissioners; or

(b) a person who has deposited and keeps deposited with the Accountant-General of the Supreme Court of Northern Ireland, for and on behalf of the said Supreme Court, the sum of £15,000 or such other amount as the Department may by order specify,

at any time when the motor vehicle is being driven by the owner or by a servant of the owner in the course of his employment, or is otherwise subject to the control of the owner.

(3) This Part shall not extend to tramcars or trolley vehicles, the use of which is authorised or regulated by special Act of Parliament or by an order having the force of an Act, unless the special Act or order provides that this Part shall so extend.

(4) Any person who contravenes paragraph (1) shall be guilty of an offence under this Order.

(a) 1971 c. 10.

Defence to charge under Article 90

91. A person charged with an offence under Article 90 shall not be convicted if he proves—

- (a) that the vehicle did not belong to him and was not in his possession under a contract of hiring or of loan;
- (b) that he was using the vehicle in the course of his employment and with the authority of his employer; and
- (c) that he neither knew nor had reason to believe that there was not in force in relation to the vehicle such a policy of insurance or security as complied with the requirements of this Part.

Requirements in respect of policies

92.—(1) In order to comply with the requirements of this Part a policy of insurance must be a policy which—

- (a) is issued by a person who is an authorised insurer within the meaning of this Part;
- (b) insures such person, persons or classes of persons as may be specified in the policy (in this Article referred to as “the insured”) and the personal representatives of the insured, during the period (in this Article referred to as “the period of cover”) specified in that behalf in the policy, in respect of any liability which may be incurred by the insured in respect of the death of or bodily injury to any person caused by or arising out of the use of the motor vehicle on a road in Northern Ireland;
- (c) insures the insured in respect of any liability which may be incurred by the insured in respect of the use of the vehicle and of any trailer, whether or not coupled, in the territory other than Northern Ireland and Gibraltar of each of the member states of the Communities according to the law on compulsory insurance against civil liability in respect of the use of vehicles of the state where the liability may be incurred;
- (d) is not subject to any condition, restriction or limitation which is prescribed as a condition, restriction or limitation, as the case may be, which shall not be inserted in a policy issued for the purposes of this Part; and
- (e) provides that the period of cover is not capable of being terminated before its expiration by effluxion of time by the insurer unless at least one week’s notice of intention so to terminate the period of cover has been given by the insurer to the person by whom the policy is effected and to the Department.

(2) The policy shall not be required to cover—

- (a) liability in respect of the death, arising out of and in the course of his employment, of a person in the employment of the insured, or in respect of bodily injury sustained by such a person arising out of and in the course of his employment; or
- (b) liability in respect of the death of or bodily injury to persons being carried in or upon, or entering or getting onto, or alighting from, a motor vehicle of such class or description or used for such purposes or in such circumstances as may be prescribed under Article 103 (2); or
- (c) any contractual liability.

(3) Notwithstanding anything in any enactment, a person issuing a policy of insurance under this Article shall be liable to indemnify the insured and the personal representatives of the insured in respect of any liability which the policy purports to cover in the case of the insured or the personal representatives of the insured.

(4) A policy shall be of no effect for the purposes of this Part unless and until there is delivered by the insurer to the person by whom the policy is effected a certificate (in this Part referred to as "a certificate of insurance") in the prescribed form and containing such particulars of any conditions subject to which the policy is issued and any other matters as may be prescribed.

(5) In this Part the expression "policy of insurance" includes a covering note.

Requirements in respect of securities

93.—(1) In order to comply with the requirements of this Part a security must—

(a) be given either by an authorised insurer or by some body of persons, approved by the Department, which carries on in the United Kingdom the business of giving securities of a like kind and which has deposited and keeps deposited with the Accountant-General of the Supreme Court of Northern Ireland, for and on behalf of the said Supreme Court, the sum of £15,000, or such other amount as the Department may by order specify, in respect of that business, or has deposited and keeps deposited a sum in respect of that business in accordance with section 146 of the Road Traffic Act 1972 (a); and

(b) consist of an undertaking by the giver of the security to make good, subject to any conditions specified in the security (not being conditions prescribed as conditions which shall not be inserted in a security issued for the purposes of this Part), any failure by the owner of the motor vehicle or such other persons or classes of persons as may be specified in the security duly to discharge any such liability as is required to be covered by a policy of insurance under Article 92 which may be incurred by him or them,

but, until the appointed day, in the case of liabilities arising out of the use of a motor vehicle on a road in Northern Ireland the amount secured need not exceed in the case of an undertaking relating to the use of public service vehicles £25,000 and in any other case £5,000.

(2) A security shall be of no effect for the purposes of this Part unless and until there is issued by the person giving the security to the person to whom it is given a certificate (in this Part referred to as a "certificate of security") in the prescribed form and containing such particulars of any conditions subject to which the security is issued and of any other matters as may be prescribed.

Certain conditions in policies or securities to be of no effect

94.—(1) If, in any policy or security issued or given for the purposes of this Part, there is inserted—

(a) 1972 c. 20.

- (a) a condition providing that no liability shall arise under the policy or security, or that any liability so arising shall cease, in the event of some specified thing being done or omitted to be done after the happening of the event giving rise to a claim under the policy or security; or
- (b) any condition, restriction or limitation which is prescribed as a condition, restriction or limitation, as the case may be, which shall not be inserted in such a policy or security,

such condition, restriction or limitation shall, subject to paragraph (2), be of no effect in connection with such liabilities as are required to be covered by a policy under Article 92 or by a security under Article 93.

(2) Nothing in this Article shall be taken to render void any provision in a policy or security requiring the person insured or secured to repay to the insurer or giver of the security any sums which the latter may have become liable to pay under the policy or security and which have been applied to the satisfaction of the claims of third-parties.

Duty to surrender certificate on cancellation of policy or security

95.—(1) Where a certificate has been delivered under Article 92 (4) or issued under Article 93 (2) and the policy or security to which it relates is cancelled by mutual consent or by virtue of any provision in the policy or security, the person to whom the certificate was delivered shall, within 7 days from the taking effect of the cancellation, surrender the certificate to the person by whom the policy was issued or the certificate was given.

(2) Any person who without reasonable excuse fails to comply with paragraph (1) shall be guilty of an offence under this Order.

Duty of persons against whom claims are made to give information as to insurance

96.—(1) A person against whom a claim is made in respect of any such liability as is required to be covered by a policy of insurance under Article 92 (1) (b) or by a security under Article 93 (1) (b) shall, on demand by or on behalf of the person making the claim,—

- (a) state whether or not, in respect of that liability, he was insured by a policy issued for the purposes of this Part or whether or not he was secured by a security given for those purposes, or would have been so insured or would have had in force such a security if the insurer or, as the case may be, the giver of the security had not avoided or cancelled the policy or security; and
- (b) if he was or would have been so insured, or was or would have been so secured, give such particulars with respect to that policy or security as were specified in any certificate of insurance or security delivered in respect of that policy or security, as the case may be, under Article 92 (4) or 93 (2), or where no such certificate was delivered under the said Article such particulars, that is to say,—
 - (i) the registration mark or other identifying particulars of the vehicle concerned;
 - (ii) the number or other identifying particulars of the insurance policy issued in respect of the vehicle;
 - (iii) the name of the insurer; and
 - (iv) the period of the insurance cover.

(2) Any person who, without reasonable excuse, contravenes paragraph (1) shall be guilty of an offence under this Order.

Requirements as to production of certificate of insurance or of security

97.—(1) Without prejudice to the requirements of Article 175 as to duties on the occurrence of an accident, a person driving a motor vehicle on a road shall, on being so required by a member of the Royal Ulster Constabulary, give his name and address and the name and address of the owner of the vehicle and produce his certificate.

(2) The owner of a motor vehicle shall give such information as may be required of him by or on behalf of a superintendent or chief superintendent of the Royal Ulster Constabulary for the purpose of determining whether the vehicle was or was not being driven in contravention of Article 90 on any occasion when the driver of the vehicle was required under this Article to produce his certificate.

(3) Any person who fails to comply with a requirement made of him under paragraph (1) or (2) or who wilfully makes a false statement in reply to such a requirement, shall be guilty of an offence under this Order, but a person shall not be so guilty by reason only of his failure forthwith to produce his certificate on being so required under paragraph (1) if, within 5 days from the date of the requirement to produce the certificate, he produces it in person at such police station as may have been specified by him at the time when the production of the certificate was required.

(4) In this Article “produce his certificate” means produce for examination the relevant certificate of insurance or security or such other evidence as may be prescribed that the vehicle is not or was not being driven in contravention of Article 90.

Rights of third-parties against insurers

98.—(1) Where a person (in this Article referred to as “the claimant”) has in any court, in proceedings of which the insurer or the giver of the security hereinafter mentioned had notice, obtained judgment against the owner or the driver of a motor vehicle for a sum in respect of the liability for which that owner or driver is insured by a policy issued, or secured by a security given, for the purposes of this Part, and the claimant has not recovered from that owner or driver the whole amount of the judgment, the claimant may, within such time as may be prescribed by rules of court or county court rules, apply to the court in which he recovered the judgment for an order against the insurer or the giver of the security, as the case may be, to pay to the claimant any sum payable under the judgment, including any sum payable thereunder in respect of costs, and thereupon the court may, if it thinks proper, grant the application either in respect of the whole amount of the judgment and costs, or in respect of any specified part of that amount.

(2) The notice mentioned in paragraph (1) shall be in such form as may be prescribed by rules of court or county court rules, and shall be given to the insurer or the giver of the security, as the case may be, before or within 7 days after the commencement of the proceedings in which the judgment is sought.

(3) A court before whom an application under this Article is made shall not, as a ground for refusing the application, take into consideration any invalidity of the policy or security arising from any fraud or any misrepresentation or false statement (whether fraudulent or innocent) unless—

- (a) the claimant was a party or privy to the fraud, misrepresentation or false statement; or
- (b) the fraud, misrepresentation or false statement, if constituting an offence under Article 174, has been made the subject of a prosecution and conviction under Article 174.

(4) References in this Article to the owner or driver of a motor vehicle shall, where the context so admits, be construed as including the personal representative of the owner or driver, as the case may be.

Liability of insurers, etc., for expenses of hospital treatment

99.—(1) Where—

- (a) any payment is made by an authorised insurer under a policy issued for the purposes of this Part, or by the owner of a motor vehicle, in relation to the user of which a security for the purposes of this Part is in force, or who has made a deposit under this Part, in respect of the death of or bodily injury to any person arising out of the use of a motor vehicle on a road; and
- (b) the person who has so died or been bodily injured has to the knowledge of the authorised insurer or the owner received treatment in a hospital in respect of the fatal or other bodily injury so arising,

there shall also be paid by the authorised insurer or such owner to the Health and Social Services Board administering the hospital the expenses reasonably incurred by the hospital in affording such treatment to an amount not exceeding £1,250 for each person so treated so, however, that this Article shall not apply in any case where a charge has been made by the hospital in respect of such treatment.

(2) In this Article—

“expenses reasonably incurred” means, in relation to a person who receives treatment in a hospital, an amount for each day that person is maintained in that hospital representing the average daily cost per patient of the maintenance of the hospital and its staff and the maintenance and treatment of the patients therein;

“hospital” means an institution which provides medical or surgical treatment for in-patients.

Bankruptcy, etc., of insured persons not to affect certain claims by third-parties

100. Where a certificate of insurance has been delivered under Article 92 (4), to the person by whom a policy has been effected, the happening in relation to any person insured by the policy of any such event as is mentioned in section 1 (1) of the Third Parties (Rights Against Insurers) Act (Northern Ireland) 1930 (a), shall, notwithstanding anything in that Act, not affect any such liability of that person as is, by virtue of Article 92 (1) (b), required to be covered by a policy, but nothing in this Article shall affect any rights against the insurer conferred by the said Act of 1930 on the person to whom the liability was incurred.

Meaning of “authorised insurer” for purposes of this Part

101.—(1) Any person or body of persons—

- (a) lawfully carrying on in Northern Ireland a motor vehicle insurance business; and

(a) 1930 c. 19 (N.I.).

(b) being a member of the Motor Insurers' Bureau (a company limited by guarantee and incorporated under the Companies Act 1929 (a) on 14th June 1946),

shall, subject to the provisions of the Insurance Companies Act 1974 (b), be an authorised insurer for the purposes of this Part and the expression "authorised insurer" shall be construed accordingly.

(2) If any person or body of persons ceases to be a member of the Motor Insurers' Bureau referred to in paragraph (1), that person or body shall not thereby cease to be treated as an authorised insurer for the purposes of this Part—

(a) in relation to any policy issued by the insurer before ceasing to be such a member; or

(b) in relation to any obligation (whether arising before or after the insurer ceased to be such a member) which the insurer may be called upon to meet under or in consequence of any such policy or under Article 99 (liability of insurers, etc., for expenses of hospital treatment) by virtue of making a payment in pursuance of such an obligation.

Deposits under this Part

102. No part of any sum deposited by any person with the Accountant-General of the Supreme Court under Article 90 (2) (b) or 93 (1) (a) shall, so long as any liabilities, being such liabilities as are required to be covered by a policy of insurance under this Part, which have been incurred by that person have not been discharged or otherwise provided for, be applicable in discharge of any other liabilities incurred by him.

Regulations for purposes of this Part

103.—(1) Subject to paragraph (2), the Department may make regulations for prescribing anything which may be prescribed under this Part, and generally for the purpose of carrying this Part into effect, and in particular, but without prejudice to the generality of the foregoing provisions, may make regulations—

(a) as to the forms to be used for the purposes of this Part;

(b) as to applications for and the issue of certificates of insurance and certificates of security and any other documents which may be prescribed, and as to the keeping of records of documents and the furnishing of particulars thereof or the giving of information with respect thereto to the Department or a superintendent or chief superintendent of the Royal Ulster Constabulary;

(c) as to the issue of copies of any such certificates or other documents which are lost or destroyed;

(d) as to the custody, production, cancellation and surrender of any such certificates or other documents;

(e) for providing that any provisions of this Part shall, in relation to vehicles brought into Northern Ireland by a person making only a temporary stay in Northern Ireland, have effect subject to such modifications and adaptations as may be prescribed.

(2) The Department may make regulations, subject to affirmative resolution, prescribing any matter which is to be prescribed for the purposes of Article 92 (2) (b).

(a) 1929 c. 23. (b) 1974 c. 49.

PART IX

PARKING PLACES

Power to provide parking places for vehicles

104.—(1) Where it appears to the Department to be necessary to provide suitable parking places for vehicles, the Department may provide such parking places in accordance with the provisions of this Article and Articles 105 and 106, and for that purpose may—

- (a) acquire land suitable for use as a parking place;
- (b) utilise any lands which may lawfully be appropriated for the purpose; or
- (c) by order authorise the use as a parking place of any part of a road, so, however, that no such order shall—
 - (i) authorise the use of any part of a road so as unreasonably to prevent access to any premises adjoining the road, or the use of the road by any person entitled to its use, or so as to be a nuisance, or
 - (ii) be made in respect of any part of a road not maintainable by the Department without the consent of the person responsible for the maintenance of the road.

(2) The Department may take all such steps as may be necessary to adapt for use as a parking place any land, not being part of a road, which they may acquire or utilise under paragraph (1).

(3) The powers of the Department under paragraph (1) to provide off-street parking places for vehicles shall include power—

- (a) to provide such parking places below ground or in buildings, including buildings used also for other purposes, together with means of access thereto;
- (b) to provide at such parking places buildings, facilities and apparatus for the storage and sale of fuel and lubricants and the supply of air and water for vehicles;
- (c) to provide water closets, rest rooms or other conveniences for use in connection with such parking places;
- (d) to erect or adapt, and to maintain, equip and manage buildings accordingly.

(4) The Department may—

- (a) let for use as a parking place any off-street parking place provided by the Department and, where the parking place is provided in a building, let it for such use separately from the rest of the building or let the whole or any part of the building with the parking place;
- (b) where it provides a parking place in a building, let on such terms as it thinks fit parts of the building which are not used for the purposes of the parking place and provide services for the benefit of persons occupying or using those parts and make such reasonable charges for those services as it thinks fit;
- (c) let or hire out on such terms as it thinks fit such buildings, facilities, or apparatus as are mentioned in paragraph (3) (b);
- (d) let on such terms as it thinks fit land on which it has power under this Article to erect or adapt a building for the purpose of providing a parking place, with a view to some other person erecting or adapting

- a building on such land and providing, maintaining and operating a parking place in that building or in part of that building;
- (e) arrange with any person for him to provide a parking place on any land of which he is the owner or in which he has an interest.

Power to make bye-laws as to the use of parking places

105.—(1) The Department may make bye-laws as to the use of parking places, and in particular as to the vehicles or class of vehicles which may be entitled to use any such parking place, as to the conditions upon which any such parking place may be used, and as to the charges to be paid to the Department in connection with the use of any parking place not being part of a road, and bye-laws made by the Department under this paragraph may make provision—

- (a) as to the issue, display and operation of an apparatus or device, of such type and design as may be approved either generally or specially by the Department, for indicating the time at which a vehicle arrived at, and the time at which it ought to leave, a parking place, or one or other of those times;
- (b) as to the use of an apparatus or device of such type and design, as may be approved either generally or specially by the Department, for indicating the charges paid or payable in respect of a vehicle left in an off-street parking place or for collecting any such charges;
- (c) for treating the indications given by any apparatus or device used in pursuance of the bye-laws as evidence of such facts and for such purposes as may be provided by the bye-laws;
- (d) for determining the person responsible for any contravention of the bye-laws;
- (e) for applying with the appropriate adaptations any of the provisions of paragraphs (4) to (6) of Article 115,

and a copy of any bye-laws made under this paragraph shall be exhibited on or near any parking place to which the bye-laws relate.

(2) Paragraph (1) shall apply in relation to any parking place provided under any letting or arrangement made under Article 104 (4) (d) or (e) as if it had been provided by the Department under Article 104, and for the purposes of such application paragraph (1) shall have effect as if the words “to the Department” were omitted from that paragraph.

(3) For the purposes of paragraph (1) the Department may exercise the powers of making and enforcing bye-laws conferred on district councils under Part VI of the Local Government Act (Northern Ireland) 1972 (a).

Provisions supplementary to Articles 104 and 105

106.—(1) The exercise by the Department of its powers under Article 104 or 105 or this Article with respect to the use as a parking place of any part of a road shall not render it subject to any liability in respect of loss or damage to any vehicle or the fittings or contents of any vehicle parked in that parking place.

(2) The Department may—

- (a) appoint, with or without remuneration, such officers and servants as may be necessary for the superintendence of parking places; and

(a) 1972 c. 9 (N.I.).

(b) enter into arrangements with any person under which, in consideration of the payment by him to the Department of a lump sum, or series of lump sums, he is authorised to collect and retain the charges made in respect of the parking of vehicles in an off-street parking place provided by the Department.

(3) The Department may acquire, whether by purchase or hiring, any such apparatus or device as appears to the Department to be required or likely to be required for the purposes of its functions under Article 104 or bye-laws made under Article 105 (1), and may erect, maintain and use such apparatus or device in a parking place provided under the powers conferred by Article 104 or adjacent to such a parking place.

(4) The Department shall make periodical inspections and tests of any apparatus or device provided and maintained by the Department and in use at a parking place provided under the powers conferred by Article 104 and shall deal with any found to be out of order.

(5) The function conferred on the Department by Article 104 (1) (a) shall, for the purposes of Article 53 (power to acquire land) of the Roads (Northern Ireland) Order 1980, be treated as a function conferred on the Department by that Order.

(6) For the purposes of the Telegraph Acts, where a parking place provided under Article 104, or under section 26 of the Roads Act (Northern Ireland) 1948, as extended by section 11 of the Road Traffic Act (Northern Ireland) 1964 (a), is situate below ground, the parking place shall be deemed to be a subway within the meaning of section 6 of the Telegraph Act 1878 (b).

Power to make bye-laws designating parking places on roads where charges made

107.—(1) The Department may, subject to and in accordance with the provisions of paragraph (2) and Articles 108 to 112, make bye-laws—

- (a) designating parking places on any road maintainable by the Department;
- (b) specifying the vehicles or classes or descriptions of vehicles by which, and the conditions on which and the times at which parking places so designated may be used; and
- (c) imposing charges for vehicles left in any parking place so designated.

(2) In determining what parking places are to be designated by bye-laws made under paragraph (1) the Department shall consider both the interests of traffic and those of the owners and occupiers of adjoining property, and in particular shall have regard to—

- (a) the need for maintaining the free movement of traffic; and
- (b) the need for maintaining reasonable access to premises; and
- (c) the extent to which parking accommodation (whether open or covered) otherwise than on roads is available in the neighbourhood or the provision thereof is likely to be encouraged there by the designation of parking places under this Article.

(a) 1964 c. 20 (N.I.).

(b) 1878 c. 76.

Publication of proposed bye-laws and consideration of objections

108.—(1) Where the Department proposes to make bye-laws under Article 107, it shall publish in at least one newspaper circulating in the locality a notice—

- (a) stating the roads in which the parking places are to be designated by the proposed bye-laws, the classes or descriptions of vehicles for which the parking places are to be designated, the charges to be made for use of the parking places, and the provisions of the proposed bye-laws as to the times when the parking places may be used;
- (b) specifying a place or places where a copy of the proposed bye-laws, and a plan or plans showing the location of the parking places to be designated and the parts of the roads to be used as the parking places, may be inspected at reasonable times specified in the notice during a period so specified not being less than one month from the publication or first publication of the notice;
- (c) stating that any person wishing to object to the making of the bye-laws may do so by sending to the Department within the period specified under sub-paragraph (b), notice in writing of his objection stating the grounds of his objection.

(2) The Department shall, in addition to publishing the notice under paragraph (1), take such other steps as appear to the Department reasonably practicable for the purpose of bringing specifically to the knowledge of persons likely to be specially affected, as the occupiers of land adjacent to the parking places to be designated, information as to the matters specified in paragraph (1) (a) to (c).

(3) The Department may, if it thinks fit, take further steps for the purpose mentioned in paragraph (2), and where it does so, the period within which a copy of the proposed bye-laws and plan may be inspected and objections may be made shall be deemed to be extended by such time, if any, as the Department may direct.

(4) The Department shall consider any objection made to the proposed bye-laws within the period specified under paragraph (1) (b) or, as the case may be, within that period as extended under paragraph (3), and not withdrawn and shall, after so considering it, give notice of its decision to the person by whom the objection was made.

Power to hold local inquiry

109.—(1) The Department may, before making bye-laws under Article 107 if it considers it expedient to do so, cause a local inquiry to be held.

(2) The Department, after considering all information furnished to it, any objections made to the proposed bye-laws and not withdrawn and, where a local inquiry has been held, the report of the person who held the inquiry, may determine not to make bye-laws or may make the bye-laws either without modification or subject to such modifications as it thinks fit.

Charges for parking in designated parking places

110.—(1) The amount of the charge for a vehicle left in a parking place designated by bye-laws made under Article 107 shall be such amount as is fixed by those bye-laws, and any such amount may be fixed—

- (a) as an amount (in this Part referred to as an “initial charge”) payable in respect of an initial period and an amount (in this Part referred to as an

- “excess charge”) payable, in addition to an initial charge, in respect of any excess over an initial period; or
- (b) as an amount payable regardless of the period for which a vehicle is left; or
 - (c) in such other manner as may be specified in the bye-laws.
- (2) Provision may be made in bye-laws made under Article 107 for—
- (a) regulating the time at which and the method by which any charge is to be paid and requiring the use of an apparatus or device of such type and design as may be approved by the Department, either generally or specially (in this Part referred to as a “parking meter”) being an apparatus or device designed—
 - (i) to indicate whether any charge has been paid and whether the period for which it has been paid or any further period has elapsed, or
 - (ii) to indicate the time and to issue tickets indicating the payment of a charge and the period in respect of which it has been paid, or
 - (iii) in any other way to control or regulate the parking of vehicles or to measure or record the duration of such parking or to receive or acknowledge the receipt of a charge for such parking according to an amount or scale fixed by the bye-laws and as measured or recorded by the apparatus or device;
 - (b) prohibiting the parking of vehicles on any road or part of a road either generally or specially or subject to such conditions as may be specified in the bye-laws including conditions prohibiting parking except by persons who use such parking meters and pay such charges as are referred to in sub-paragraph (a);
 - (c) treating the indications given by a parking meter or any ticket issued by it, or the absence of any such ticket from a vehicle left in a parking place, as evidence of such facts as may be provided by the bye-laws;
 - (d) prohibiting the insertion in a parking meter of coins additional to those inserted by way of payment of any specified charge;
 - (e) exempting from the payment of any charge any vehicle left in a parking place in such circumstances as may be specified in the bye-laws and treating any vehicle so exempted as having been left there, and the charge from which it is exempted as having been paid, at such time as may be so specified.

Regulation of designated parking places

111.—(1) Bye-laws made under Article 107 may provide for regulating or restricting the use of a parking place designated by the bye-laws, or otherwise for or in connection with the operation of such a parking place, and in particular, but without prejudice to the generality of the foregoing, may—

- (a) make provision for determining the manner in which vehicles shall be driven into or out of the parking place, the number and dimensions of spaces in which vehicles may be left in the parking place and the position in which vehicles may be left in those spaces;
- (b) authorise the alteration of the position of vehicles in a parking place or the removal from a parking place of vehicles which have been left in the parking place in contravention of any provision in the bye-laws;
- (c) provide for the removal, in the case of emergency, of vehicles left in a parking place, for the suspension of the use of a parking place or any

part of it on such occasions or in such circumstances as may be specified in the bye-laws, and for the temporary removal of any parking meters installed at a parking place:

- (d) prohibit or restrict the carrying on of trade or other activities or the doing of any other thing at a parking place;
- (e) prescribe the functions of persons appointed to superintend a parking place;
- (f) provide for the illumination of a parking place and the erection or display of notices or traffic signs, and the carrying out of works on or in the vicinity of a parking place.

(2) Where bye-laws made under Article 107 authorise the removal of a vehicle from a parking place, the bye-laws shall make provision for the safe custody of that vehicle.

(3) Where in pursuance of a bye-law made by virtue of paragraph (1) (b) a vehicle is removed from a parking place, any costs reasonably incurred by the Department in connection with the removal or custody of the vehicle may be recovered summarily as a civil debt due to the Department by the person causing or permitting the vehicle to be left in the parking place in contravention of the bye-laws, so, however, that—

- (a) the costs recoverable under this paragraph in respect of the removal of a vehicle shall not exceed £2 or such other sum (whether greater or smaller) as the Department may by order made subject to affirmative resolution prescribe;
- (b) the costs recoverable under this paragraph in respect of the custody of a vehicle shall not exceed an amount ascertained by reference to a scale approved by the Department.

Provisions supplementary to Articles 107 to 111

112.—(1) Where under bye-laws made under Article 107 vehicles may not be left at all times in a parking place designated by such bye-laws—

- (a) the parking place shall for the purposes of Articles 110, 111 and 115 be treated, as respects any time during which vehicles may not be left there in pursuance of the bye-laws, as if it were not designated by the bye-laws;
- (b) any vehicle left in the parking place which remains there at the beginning of a period during which vehicles may be left there in pursuance of the bye-laws shall for the purposes of those Articles be treated as if it had been left there at the beginning of that period, but without prejudice to any rights or liabilities in respect of anything done or omitted to be done at any time before the beginning or after the end of that period.

(2) Bye-laws made under Article 107 may vary or revoke any order made under Article 21 regulating the waiting of vehicles in any part of a public road, or any order made under Article 104 (1) (c) authorising the use of any part of a public road as a parking place and any such order under Article 21 or Article 104 (1) (c) may provide that the order shall not have effect as respects any time as respects which provision is made by a bye-law under Article 107 for the leaving of vehicles in that part of the public road.

Protection of the Department from certain liabilities

113. The exercise by the Department of any of its functions under Articles 107 to 112 or bye-laws made under those Articles shall not render the Department subject to any liability in respect of the loss of or damage to any vehicle

in a parking place or the contents or fittings of any such vehicle, unless such loss or damage is directly attributable to a negligent act of the Department or its servant or agent.

Acquisition, erection and inspection, etc., of parking meters, and appointment of attendants

114.—(1) The Department may acquire, whether by purchase or hiring, such parking meters and other apparatus as appear to the Department to be required or likely to be required for the purposes of its functions under the foregoing provisions of this Part or bye-laws made under this Part, and may erect, maintain and operate such parking meters or other apparatus in a parking place designated by bye-laws made under Article 107 or on, in or near any road or part of a road adjacent to such a parking place.

(2) The Department shall make periodical inspections and tests of parking meters provided by it and in use and shall deal with any found to be out of order.

(3) The Department may appoint such officers and servants as may be necessary for the superintendence of parking places designated by bye-laws made under Article 107, and persons so appointed are in this Order referred to as parking attendants.

Offences relating to parking places on roads where charges made

115.—(1) A person,—

(a) being the driver of a vehicle, who, otherwise than as authorised by bye-laws made under Article 107, leaves the vehicle in a parking place designated by those bye-laws or leaves the vehicle there for longer after the excess charge has been incurred than the time so authorised or who fails duly to pay any charge payable under those bye-laws in respect of the vehicle or contravenes any provision of the bye-laws relating to the parking place as to the manner in which vehicles shall be driven into or out of the parking place or as to the position in which vehicles shall be left in the parking place; or

(b) whether being the driver of a vehicle or not, who otherwise contravenes any provision of those bye-laws,

shall be guilty of an offence under this Order.

(2) In relation to an offence under paragraph (1) (a) of failing duly to pay any charge in respect of a vehicle, the reference therein to the driver of a vehicle shall be construed as a reference to the person driving the vehicle at the time it was left in the parking place.

(3) A person who, with intent to defraud, interferes with a parking meter or operates or attempts to operate a parking meter by the insertion of objects other than current coins of the appropriate denomination shall be guilty of an offence under this Order.

(4) Where, in any proceedings under this Article for the offence of failing to pay any charge imposed by any bye-law made under Article 107, it is proved that the amount which has become due, or any part of that amount, has not been duly paid, the court shall order the payment of the sum not paid and any such order may be enforced in like manner as an order for the payment of a sum adjudged to be paid on a conviction and the sum so ordered to be paid shall, for the purposes of any enactment providing for imprisonment in default

of payment of a sum adjudged to be paid on a conviction be aggregated with the amount of the fine, if any, ordered to be paid in respect of the offence.

(5) In any proceedings for an offence under this Article it shall be presumed, unless the contrary is shown, that any apparatus or device provided for the purpose of a parking place, being an apparatus or device operated by the insertion of coins, is of a type and design approved by the Department.

(6) Where, in any proceedings under this Article for the offence of failing to pay an excess charge imposed by any bye-law made under Article 107, it is not proved that the excess charge had become due, but it is proved that an initial charge has not been paid, the defendant may be convicted of an offence under this Article of failing to pay an initial charge.

(7) Without prejudice to the right of any other person to institute proceedings the Department may institute proceedings for an offence under this Article.

(8) Where a parking meter relating to the space in which a vehicle is left in a parking place designated by bye-laws made under Article 107 indicates that the period for which payment made for the vehicle by an initial charge has expired, but the Department is satisfied that the charge was not paid, acceptance by the Department of payment of the excess charge shall be a bar to proceedings for an offence under paragraph (1) (a) of failing duly to pay the initial charge.

Public service vehicle plying for hire in parking place

116. While a vehicle is within a parking place designated by bye-laws made under Article 107 or provided by the Department under powers conferred by Article 104, the driver or conductor of the vehicle, and any person employed in connection with the vehicle, shall not ply for hire or accept passengers for hire, and any person acting in contravention of this Article shall be guilty of an offence under this Order.

Interpretation of this Part

117. In this Part—

“excess charge” has the meaning assigned to it by Article 110 (1) (a);

“initial charge” has the meaning assigned to it by Article 110 (1) (a);

“off-street parking place” means a parking place other than a parking place on a road;

“parking attendant” has the meaning assigned to it by Article 114 (3);

“parking meter” has the meaning assigned to it by Article 110 (2) (a).

PART X

TRAFFIC WARDENS

Employment of traffic wardens

118.—(1) Subject to the provisions of this Part, the Chief Constable may authorise persons appointed or deemed to have been appointed for the purpose by the Police Authority for Northern Ireland (in this Part referred to as the “Police Authority”) to discharge, in aid of the Royal Ulster Constabulary,

such functions normally undertaken by the Constabulary in connection with the control and regulation of, or the enforcement of the law relating to, traffic (including pedestrians) or vehicles on roads or other public places and such other functions in connection therewith as the Department may by order prescribe, and persons so appointed or deemed to have been so appointed shall be known as traffic wardens.

(2) Subject to paragraph (3), an order made under this Article may provide that, for the purposes of any functions which traffic wardens are authorised to discharge by the order, references to a constable in all or any of the following Articles, that is to say, Articles 158, 171, 177 to 179 and 180 (1) to (3) and the reference to a member of the Royal Ulster Constabulary in section 27 (1) (a) of the Vehicles (Excise) Act (Northern Ireland) 1972 shall include references to a traffic warden.

(3) Any power of a constable for the purposes of Articles 171, 177 to 179, and 180 (1) to (3) shall be exercisable by a traffic warden under an order made by virtue of paragraph (2) only where—

- (a) the traffic warden is assisting a constable; or
- (b) the traffic warden has reasonable cause to believe that an offence has been committed of a description specified in relation to the Article in question for the purposes of this sub-paragraph by the order and, in the case of a power for the purposes of Article 177, the order authorises the use of that power in relation to that offence; or
- (c) in the case of a power for the purposes of Article 180 (1), the traffic warden is exercising functions in connection with the control and regulation of traffic (including pedestrians) or vehicles.

(4) An order made under this Article shall be subject to affirmative resolution.

Employment of traffic wardens as parking attendants

119. The Chief Constable may, with the approval of the Police Authority, make arrangements with the Department for the employment of traffic wardens—

- (a) as parking attendants under Articles 106 (2) (a) and 114 (3) at any parking place provided or controlled by the Department; and
- (b) to enforce limited waiting restrictions imposed by orders made by the Department under Article 21;

and for the payment to the Police Authority of such sums as will make good to the Police Authority any expenditure incurred or likely to be incurred by the Police Authority in relation to traffic wardens while so employed.

Employment of traffic wardens for purposes of Articles 198 to 204

120. Where under Article 118 (1) traffic wardens may be employed for any of the purposes of Articles 198 to 204, references in those Articles to a constable shall include references to a traffic warden.

Uniform of traffic wardens

121. Traffic wardens shall wear such uniform as the Chief Constable, with the approval of the Police Authority, may determine and shall not act as traffic wardens when not in uniform.

PART XI

TRAFFIC SIGNS

Devices for road safety, traffic signs, etc.

122.—(1) Subject to paragraph (2), the Department may—

- (a) erect and maintain on or near any road which the Department is liable to maintain rails or other barriers for—
 - (i) protecting pedestrians from traffic passing along the road,
 - (ii) preventing pedestrians from crossing the road at places which, in the opinion of the Department, are especially dangerous;
- (b) for the purpose of facilitating the movement of, or protecting from danger, traffic passing along any such road, or of rendering the crossing of the road less dangerous to pedestrians,—
 - (i) erect, light and maintain raised islands or places of refuge on the road,
 - (ii) construct, light, maintain, and temporarily close subways under, or footbridges over, the road for the use of pedestrians;
- (c) erect or provide any traffic signs in or near any such road and may maintain any such signs;

and may alter or remove anything so erected, constructed or provided.

(2) The Department may cause to be placed on or near any road in the vicinity of a trunk road such traffic signs as appear to it to be necessary for the control of traffic entering or leaving the trunk road, and, for the purposes of this paragraph, the Department may enter upon any land.

Warning devices for indicating temporary obstructions

123.—(1) The Department may by regulations made under this Article—

- (a) prescribe a type or types of object or device for warning traffic of temporary obstructions on roads (in this Article referred to as a “prescribed warning device”);
- (b) authorise, subject to such conditions as may be specified in the regulations, persons not otherwise authorised to do so to place a prescribed warning device on a road or any description of road so specified in such circumstances, in such manner and for such periods as may be so specified;
- (c) require, subject to such exceptions as may be specified in the regulations,—
 - (i) any person owning, driving or having charge or control of a vehicle of such class or description as may be so specified, to carry, or cause to be carried, a prescribed warning device in or on that vehicle while it is being driven or used on a road,
 - (ii) the person driving or in charge of a vehicle mentioned in head (i) to place that warning device on a road in the vicinity of that vehicle in such circumstances, in such manner and for such periods as may be prescribed.

(2) Any constable wearing uniform may stop and inspect any vehicle for the purpose of ascertaining that any regulations made pursuant to paragraph (1) (c) (i) have been or are being complied with in respect of that vehicle.

(3) Any person who contravenes any requirement of regulations under this Article imposed by virtue of paragraph (1) (c) shall be guilty of an offence under this Order.

(4) Where regulations under this Article contain any provision made by virtue of paragraph (1) (c), the regulations shall be subject to affirmative resolution.

Warning of roadworks

124.—(1) Where roadworks to, on or near any road cause, or are likely to cause, danger to traffic,—

- (a) the person who has entered into a contract or otherwise undertaken to carry out those roadworks shall make available to the person present at and for the time being in charge of the carrying out of those roadworks such signs or other devices as would, if properly placed, provide adequate warning to traffic of that danger;
- (b) the person present at and for the time being in charge of the carrying out of those roadworks shall place and maintain those signs or devices, or cause those signs or devices to be placed and maintained, on or near the road in such manner as to give traffic sufficient warning of that danger.

(2) For the purposes of paragraph (1), signs or devices which comply with, and are placed in accordance with, such general or other directions as may be given by the Department shall be deemed to provide adequate warning to traffic.

(3) Any person who without reasonable excuse fails to comply with any requirement of paragraph (1) shall be guilty of an offence under this Order.

Emergency traffic signs placed on roads by police

125. A constable or a person acting under the instructions or directions (whether general or specific) of the Chief Constable may, for the purpose of preventing or mitigating congestion or obstruction of traffic, or danger to or from traffic, place or cause to be placed on or near a road traffic signs of any size, colour and type complying with such instructions or directions as may be given by the Department.

Interference with, or damage to, traffic signs

126. Any person who, not being a person authorised by law to do so, willfully interferes with or causes damage to a traffic sign shall be guilty of an offence under this Order.

Unauthorised signs

127.—(1) Any person who, not being a person authorised by law to do so, without the consent of the Department or a member of the Royal Ulster Constabulary, places or causes to be placed on or near a road any traffic sign, or any sign purporting to be, or intended to simulate, a traffic sign shall be guilty of an offence under this Order.

(2) A constable who has reasonable cause to believe that a person has committed an offence under paragraph (1) may require that person to remove the sign in respect of which the offence was committed and, if he refuses or fails to do so, the constable may himself remove it or authorise any other person to remove it.

(3) Article 171 (3) to (6) shall apply to the removal of a sign under paragraph (2) of this Article as they apply to the removal of a vehicle under paragraph (2) of that Article.

Removal of unauthorised signs on private land

128.—(1) The Department may, after consultation with a member of the Royal Ulster Constabulary not below the rank of sergeant, by notice in writing require the owner or occupier of any land on which there is any object or device (whether fixed or portable), purporting to be for the guidance or direction of persons using a public road, to remove it within such period (not being less than 14 days) as is specified in the notice.

(2) A person upon whom a notice under paragraph (1) is served may within the period specified in that notice appeal to the Department by written notice.

(3) If, on such appeal, it is shown to the satisfaction of the Department that the removal of the object or device would cause serious hardship, the Department may authorise its retention on the land subject to any conditions it thinks fit to impose.

(4) If the Department is satisfied that the object or device should be removed but that its removal within the period specified in the notice would cause serious hardship the Department may extend the period subject to any conditions it thinks just.

(5) Where under this Article a person is required to remove an object or device and fails to do so within the period specified in a notice under paragraph (1) or within any extended period allowed by the Department under paragraph (4), the Department may, subject to paragraph (6), itself enter upon the land and effect the removal, doing as little damage as may be, and any expense incurred by the Department in so doing shall be recoverable summarily by the Department from the person in default as a civil debt.

(6) The Department shall not remove the object or device referred to in paragraph (1) where notice of appeal under paragraph (2) has been given, until the appeal has been determined.

(7) This Article shall not apply to any object or device which constitutes development within the meaning of the Planning (Interim Development) Act (Northern Ireland) 1944 (a) and which was erected with the permission of a planning authority under the Planning Acts (Northern Ireland) 1931 and 1944 or to any object or device in respect of which planning permission under the Planning (Northern Ireland) Order 1972 (b) is, or is deemed to be, granted.

PART XII

PROVISIONS AS TO ROAD SAFETY

Protective headgear for motor-cyclists and wearing thereof

129.—(1) The Department may make regulations requiring, subject to such exceptions as may be specified in the regulations, persons driving or riding on or in motor-cycles of any class or description specified in the regulations to wear protective headgear of such description as may be so specified.

(2) Any person who, in contravention of regulations made under this Article, drives or rides on or in a motor-cycle or who, when driving a motor-cycle, permits another person to ride on or in the motor-cycle in contravention of those regulations shall be guilty of an offence under this Order.

(a) 1944 c. 3 (N.I.).

(b) S.I. 1972/1634 (N.I. 17).

(3) The Department may make regulations prescribing (by reference to shape, construction or any other quality) types of headgear recommended as affording protection to persons on or in motor-cycles from injury in the event of accident.

Highway code

130.—(1) The Department shall prepare a code (in this Article referred to as the “highway code”) comprising such directions as appear to it to be proper for the guidance of persons using roads, and may revise the code by revoking, varying, amending or adding to the provisions of the code in such manner as the Department thinks fit.

(2) The highway code and any alterations proposed to be made in the provisions of the code on any revision of the code, shall, as soon as prepared by the Department, be subject to negative resolution.

(3) Subject to the foregoing provisions of this Article, the Department shall cause the code and every revised edition of the code to be printed and issued to the public at a price for each copy not exceeding such sum as the Department may determine.

(4) A failure on the part of any person to observe any provision of the highway code shall not of itself render that person liable to criminal proceedings of any kind, but any such failure may in any proceedings (whether civil or criminal, and including proceedings for an offence under this Order) be relied upon by any party to the proceedings as tending to establish or to negative any liability which is in question in those proceedings.

Road safety information and training

131. For the purpose of promoting safety on roads, the Department may—

- (a) disseminate information or advice relating to the use of roads;
- (b) make arrangements for giving practical training to road users or any class or description of road users;
- (c) with the approval of the Department of Finance, make payments to any authority, body or person to assist or enable that authority, body or person to disseminate such information or advice or make such arrangements.

Driving instructors

Approved driving instructors

132.—(1) The Department may compile and maintain a register of persons approved by the Department as qualified to give instruction in the driving of motor vehicles (in this Article and in Articles 133 to 138 referred to as “the register of approved driving instructors”).

(2) The Department may make regulations with respect to the form, compilation and maintenance of the register of approved driving instructors, the making or renewal of entries in and the removal of entries from the register, and, in particular—

- (a) prescribing, with the approval of the Department of Finance, a fee to be paid on each application for registration or renewal of registration;
- (b) prescribing a form of examination (which may consist of more than one part) or test or both to be taken by each applicant as a condition of approval or continued approval for the purposes of registration or renewal of registration;
- (c) requiring an applicant submitting himself for any examination or test to provide any vehicle which may be required for the purposes of the examination or test;

- (d) requiring an applicant submitting himself for any examination (or any part of any examination) or test to pay such fee as may be prescribed with the approval of the Department of Finance;
- (e) providing for the repayment in such circumstances as may be prescribed of any fee paid under sub-paragraph (a) or (d);
- (f) providing special exemptions in connection with the registration of persons not residing in Northern Ireland or persons becoming resident in Northern Ireland;
- (g) prescribing an official title or description for use by persons registered in the register and the form, colour and design of a badge or the form of a certificate which may be worn or, as the case may be, displayed by such persons;
- (h) making such other incidental or supplementary provisions as the Department may think expedient for the purpose of giving effect to this Article.

(3) Any person who—

- (a) not being registered in the register, takes or uses a title or description prescribed by regulations made under paragraph (2), or wears or displays a badge or certificate so prescribed, or takes or uses any name, title, addition or description implying that he is so registered; or
- (b) being a person carrying on business in the provision of instruction in the driving of motor vehicles, uses a title or description so prescribed in relation to any person employed by him who is not so registered, or issues any advertisement or invitation calculated to mislead with respect to the extent to which persons so registered are employed by him.

shall, subject to paragraph (4), be guilty of an offence under this Order.

(4) In proceedings against any person for an offence under paragraph (3) (a) or for an offence under paragraph (3) (b) in relation to a person employed by him, it shall be a defence for the person charged to prove that he did not know, and had no reasonable cause to believe, that he, or, as the case may be, the person employed by him, was not at the material time registered in the register of approved driving instructors.

(5) Any person who knowingly makes a false statement or withholds material information for the purpose of securing registration, renewal of registration or continued registration in the register of approved driving instructors shall be guilty of an offence under this Order.

Driving instruction for payment to be given only by registered or licensed persons

133.—(1) No instruction, for the giving of which payment of money or money's worth is, or is to be, made by, or in respect of, the person to whom the instruction is given, shall be given in the driving of a motor car on a road unless the name of the person giving the instruction is in the register of approved driving instructors or he is the holder of a current licence granted under Article 135 authorising him to give such instruction.

(2) For the purpose of paragraph (1), instruction in the driving of a motor car on a road, being instruction which is given free of charge, to a person who is not the holder of a current driving licence, by, or in pursuance of arrangements made by, a person carrying on business in the supply of motor cars, and in connection with the supply of a motor car in the course of that business,

shall be deemed to be given for the payment of money by the person to whom the instruction is given.

(3) If instruction is given in contravention of paragraph (1), the person by whom it is given, and, if that person is employed by another to give that instruction, that other, as well as that person, shall be guilty of an offence under this Order.

(4) In proceedings against a person for an offence under paragraph (3), it shall be a defence for him to prove that he did not know, and had no reasonable cause to believe, that his name or, as the case may be, that of the person employed by him, was not in the register of approved driving instructors at the material time.

(5) Any reference in this Article and Article 138 to a current licence is a reference to a licence which has not expired and has not been cancelled, revoked or suspended.

Exemption of police instructors

134.—(1) Article 133 (1) shall not apply to the giving of instruction by a police instructor in pursuance of arrangements made by the Chief Constable.

(2) In this Article—

“police instructor” means—

- (a) a member of the Royal Ulster Constabulary whose duties consist of or include, or have consisted of or included, the giving of instruction in the driving of motor cars to members of the Royal Ulster Constabulary; or
- (b) any person employed by the Police Authority for Northern Ireland for the purpose of giving such instruction to members of the Royal Ulster Constabulary.

Licences to give instruction restricted by Article 133

135.—(1) For the purpose of enabling a person to acquire practical experience in giving instruction in driving motor cars with a view to undergoing the examination prescribed under Article 132 (2) (b) the Department may by regulations provide for the granting, renewal and revocation of licences to give instruction in the driving of a motor car being instruction the giving of which is restricted by Article 133.

(2) In particular, and without prejudice to the generality of paragraph (1), regulations made under that paragraph—

- (a) may prescribe, with the approval of the Department of Finance, the fees to be paid on each application for a licence or renewal of licence;
- (b) may provide for special exemptions in connection with the granting or renewal of licences to persons not residing in Northern Ireland or persons becoming resident in Northern Ireland;
- (c) may provide for the refusal to grant a licence under this Article to a person to whom two or more such licences have previously been issued.

Surrender of certificates and licences

136. Where—

- (a) the name of a person to whom a certificate prescribed under Article 132 (2) (g) has been issued is removed from the register of approved driving instructors in pursuance of regulations made under that Article;
- or

(b) a licence granted under Article 135 to a person expires or is revoked; he shall, if so required by the Department by notice in writing, surrender the certificate or licence, as the case may be, to the Department within the period of 14 days beginning with that on which the notice is given, and if he fails to do so he shall be guilty of an offence under this Order.

Production of certificates and licences to constables and authorised persons

137.—(1) A person to whom a certificate prescribed under Article 132 (2) (g) is issued, or to whom a licence under Article 135 is granted, shall, on being so required by a constable or any person authorised in writing by the Department in that behalf, produce the certificate or licence for examination.

(2) Where the name of a person is removed from the register of approved driving instructors or a licence granted under Article 135 to a person expires or is revoked, then, if that person fails to satisfy an obligation imposed on him by Article 136, a constable or a person authorised in writing by the Department may require him to produce any such certificate issued to him or the licence, and upon its being produced may seize it and deliver it to the Department.

(3) If a person who is required under paragraph (1) or (2) to produce a document fails to do so, then unless, within 5 days from the day on which the production of the document was so required, it is produced—

- (a) where the requirement was made by a constable, at such police station as, at the time the production was required, may have been specified by the person required to produce the document or, if he does not specify a police station, at such police station as the constable may specify;
- (b) where the requirement was made by a person, other than a constable, at such place as the person by whom the requirement was made may, at the time the production was required, have specified;

that person shall be guilty of an offence under this Order.

Evidence by certificate as to registration and licences

138. A certificate purporting to be signed by or on behalf of the Department and stating that, on any date,—

- (a) a person's name was, or was not, on the register of approved driving instructors;
- (b) the entry of a person's name was made in that register or a person's name was removed from that register;
- (c) a person was, or was not, the holder of a current licence under Article 135; or
- (d) a licence under Article 135 granted to a person came into force or ceased to be in force;

shall be evidence of the facts stated in the certificate in pursuance of this Article.

PART XIII

GENERAL PROVISIONS AS TO OFFENCES, ENFORCEMENT,
EVIDENCE AND PROCEEDINGS

Reckless, etc., driving

Reckless driving and causing death or injury by reckless driving

139.—(1) A person who causes the death of, or grievous bodily injury to, another person by driving a motor vehicle on a road or other public place recklessly shall be guilty of an offence under this Order.

(2) A person who drives a motor vehicle on a road or other public place recklessly shall be guilty of an offence under this Order.

(3) A person convicted of a second or subsequent offence under this Article shall be disqualified for holding or obtaining a licence for a minimum period of one year, so, however, that where at the time of the commission of such second or subsequent offence a period of 3 reckonable years or more has elapsed since his last previous conviction for an offence under this Article, the court may deal with the offence as a first offence.

(4) If it is made to appear to a justice of the peace by any constable that there is reasonable cause to believe that any motor vehicle which has been driven recklessly in contravention of paragraph (1) or (2) may be found on any premises or place, the justice may, by warrant under his hand addressed to any constable, empower that constable to enter the premises or place at any time within 48 hours of the signing of the warrant and to inspect any vehicle and make inquiries there with respect to any such vehicle.

Alternative convictions on charges under Article 139

140.—(1) Where a court of summary jurisdiction or, on a trial on indictment, the jury, is satisfied that a person charged with an offence under Article 139 is not guilty of that offence but that he is guilty of an offence under Article 153, the court or, as the case may be, the jury, shall acquit him of the offence under Article 139 and shall find him guilty of an offence under Article 153 and he shall then be liable to be sentenced for an offence under Article 153.

(2) Without prejudice to the operation of any other enactment, or of any rule of law or practice, where a person is charged before a court with an offence under Article 139 (in this paragraph referred to as “the major offence”) he may plead not guilty of that offence but guilty of an offence under Article 153 (in this paragraph referred to as “the minor offence”) and—

- (a) the court, if the prosecution proceeds with the trial of the charge for the major offence, shall allow the plea of guilty of the minor offence to stand over until the completion of that trial and—
 - (i) if the person charged is found guilty of the major offence shall convict and sentence him for the major offence, and
 - (ii) if he is found not guilty of the major offence shall convict and sentence him upon his plea of guilty of the minor offence;
- (b) the court, if the prosecution does not proceed with the trial of the charge for the major offence, shall convict and sentence him upon his plea of guilty of the minor offence; and
- (c) in any such case, his conviction for the one offence shall operate to bar a conviction for the other but nothing in this sub-paragraph shall prejudice any power exercisable by a court on appeal or on a new trial.

Offences involving drink or drugs

Driving or being in charge of a motor vehicle while under the influence of drink or drugs

141.—(1) Subject to the following provisions of this Article, every person who drives, or attempts to drive, or is in charge of, a motor vehicle on any road or other public place, while he is under the influence of drink or drugs to such extent as to be incapable of having proper control of the vehicle, shall be guilty of an offence under this Order.

(2) A person shall be deemed for the purposes of paragraph (1) not to have been in charge of a motor vehicle if he proves that at the material time the circumstances were such that there was no likelihood of his driving the vehicle so long as he remained incapable through drink or drugs of having proper control of the vehicle.

(3) Where a person convicted of an offence under this Article has, within the 10 years immediately preceding the commission of the offence, been convicted on two or more occasions of an offence under this Article, the court before which he is convicted shall, subject to paragraph (4), sentence him to the enhanced sentence specified for such offence upon such a conviction by Schedule 4.

(4) Where a person is convicted of an offence in the circumstances referred to in paragraph (3) and the court is satisfied, having regard to all the circumstances, that there are special grounds (which grounds shall be specified in the order of the court) for mitigating the sentence which the court is required by that paragraph and Schedule 4 to impose, the court may, notwithstanding anything in that paragraph and Schedule, order the person convicted by the court to suffer a penalty of less severity than the enhanced sentence specified in that Schedule.

(5) Notwithstanding anything in section 61 of the Magistrates' Courts Act (Northern Ireland) 1964 (a), a court shall not have power to impose a fine in lieu of imprisonment which the court is required by paragraph (3) and Schedule 4 to impose.

(6) Nothing in paragraphs (3) to (5) and Schedule 4 shall derogate from the power of the court under that Schedule to impose a fine in addition to imprisonment for an offence under paragraph (1), or to impose a fine where the court thinks fit not to order imprisonment.

(7) A person convicted of an offence under this Article shall be disqualified for holding or obtaining a driving licence or a provisional licence—

- (a) where during the 10 years immediately preceding the commission of the offence he has been convicted on two or more occasions of an offence under this Article, for a minimum period of 10 years;
- (b) where during the 10 years immediately preceding the commission of the offence he has been convicted on one but not more than one occasion of an offence under this Article, for a minimum period of 5 years;
- (c) in any other case, for a minimum period of 12 months.

Drunkenness, etc., in charge of horse-drawn vehicle or pedal cycle

142.—(1) Every person who drives or attempts to drive, or is in charge of, a vehicle drawn by a horse or other animal, or rides or attempts to ride a pedal cycle, on a road or other public place, while he is under the influence of drink or drugs to such extent as to be incapable of having proper control of the vehicle or cycle, shall be guilty of an offence under this Order.

(2) Any person liable to be charged with an offence under this Article shall not be liable to be charged under Article 10 (2) of the Criminal Justice (Northern Ireland) Order 1980 (b) (being drunk while in charge in a road or other public place of an animal).

(a) 1964 c. 21 (N.I.).

(b) S.I. 1980/704 (N.I. 6).

Evidence in proceedings for offences under Article 141

143.—(1) In any proceedings for an offence under Article 141, the court shall have regard to any evidence given of the proportion of alcohol or of any drug which was contained in the blood or present in the body of the accused, as ascertained by analysis or measurement of a specimen of blood taken from him with his consent by a medical practitioner, or of urine provided by him, at any material time and, if it is proved that the accused, when so required by a constable at any such time, refused or failed to provide a specimen for analysis or measurement, his refusal or failure may, unless reasonable cause for it is shown, be treated as supporting any evidence given on behalf of the prosecution or as rebutting any evidence given on behalf of the defence, with respect to his condition at that time.

(2) For the purposes of any such proceedings and subject to paragraph (3), a certificate purporting to be signed by an authorised analyst and certifying the proportion of alcohol or of any drug found in a specimen identified by the certificate shall be evidence of the matters so certified and of the qualification of the analyst.

(3) Paragraph (2) shall not apply to a certificate tendered on behalf of the prosecution unless a copy has been served on the accused not less than 7 days before the hearing or trial, nor if the accused, not less than 3 days before the hearing or trial, or within such further time as the court may in special circumstances allow, has served notice on the prosecutor requiring the attendance at the hearing or trial of the person by whom the certificate was signed.

(4) Where the accused, at the time a specimen of blood or urine was taken from or provided by him, asked to be supplied with such a specimen, evidence of the proportion of alcohol or any drug found in the specimen shall not be admissible on behalf of the prosecution unless—

- (a) the specimen of blood or urine is either one of two or more taken or provided on the same occasion or is part of a single specimen which was divided into two or more parts at the time it was taken or provided; and
- (b) one of those other specimens or parts was supplied to the accused.

(5) Where any person has been requested to consent to the taking of, or to provide a specimen of blood or urine for analysis, the person taking the specimen shall offer to supply to the first-mentioned person in a suitable container, part of the specimen or, in the case of a specimen of blood, which it is not practicable to divide, another specimen which he may consent to have taken.

(6) In this Article “authorised analyst” shall include an authorised analyst as defined in section 43 (2) of the Interpretation Act (Northern Ireland) 1954 and any other person authorised by the Department to make analyses for the purposes of this Article.

Power to require provision of specimens in connection with offences under Article 141

144.—(1) Where in the exercise of powers conferred on him by Article 180 (5) a constable arrests a person who within his view commits or whom he suspects, on reasonable grounds, to have committed an offence under Article 141 and brings that person to a police station, that constable or the constable then in charge of that station may require that person, while at the station, to undergo an examination by a medical practitioner nominated by the constable imposing the requirement and to provide a specimen (which may be a specimen of blood or of urine) for a laboratory test or to do either.

(2) Where a constable on reasonable grounds suspects that a person who is a patient in a hospital has committed an offence under Article 141 the constable may require him to provide a specimen (which may be a specimen of blood or of urine) for a laboratory test but a person shall not be required under this paragraph to provide a specimen if the medical practitioner in immediate charge of his case is not first notified of the proposal to make the requirement or objects to the provision of a specimen on the ground that its provision, the requirement to provide it or the giving of a warning mentioned in paragraph (3) would be prejudicial to the proper care or treatment of the patient.

(3) A person who, after a warning given by a constable that failure to provide a specimen for a laboratory test or failure to undergo an examination by a medical practitioner in pursuance of a requirement imposed on him under this Article may render him liable to a fine, imprisonment and disqualification, without reasonable excuse fails to provide such a specimen or undergo such an examination shall be guilty of an offence and shall be liable to be proceeded against, tried and punished as if the offence charged were an offence under Article 141.

(4) A person shall not be treated for the purposes of paragraph (3) as failing to provide a specimen unless—

- (a) he is first requested to provide a specimen of blood but refuses to do so;
- (b) he is then requested to provide two specimens of urine within one hour of the request, but fails to provide them within the hour or refuses at any time within the hour to provide them; and
- (c) he is again requested to provide a specimen of blood, but refuses to do so.

(5) The first specimen of urine provided in pursuance of a request under paragraph (4) (b) shall be disregarded for the purposes of Article 143.

(6) Where in any proceedings for an offence under Article 141 the court is satisfied that the proportion of alcohol contained in a specimen provided by the accused in pursuance of a requirement imposed under this Article, as ascertained from a laboratory test on that specimen, exceeds,—

- (a) where the specimen is a specimen of blood, 125 milligrammes in 100 millilitres of blood; or
- (b) where the specimen is a specimen of urine, 167 milligrammes in 100 millilitres of urine,

or such other proportions as may be prescribed by regulations made by the Department subject to affirmative resolution, the accused shall be deemed to have been at the material time under the influence of drink to such extent as to have been incapable of having proper control of the vehicle which he is alleged to have been driving or attempting to drive or of which he is alleged to have been in charge.

Driving or being in charge with alcohol concentration above a certain limit

145.—(1) If a person drives, attempts to drive or is in charge of a motor vehicle on any road or other public place, having consumed alcohol in such a quantity that the proportion of alcohol in his blood or urine, as ascertained (or deemed to have been ascertained) from a laboratory test for which he subsequently provides a specimen in pursuance of a requirement imposed on him under Article 147, exceeds the prescribed limit (within the meaning of Article 152) at the time he provides the specimen he shall be guilty of an offence under this Order.

(2) A person convicted of an offence under this Article shall be disqualified for holding or obtaining a driving licence or a provisional licence for a period of not less than 3 months or, in the case of a second conviction within 5 years of an earlier conviction for an offence under this Article, for a period of not less than 6 months.

(3) A person shall be deemed for the purposes of paragraph (1) not to have been in charge of a motor vehicle if he proves that at the material time the circumstances were such that there was no likelihood of his driving it so long as there was any probability of his having alcohol in his blood or urine in a proportion exceeding the prescribed limit.

Breath tests

146.—(1) An authorised constable in uniform may, where he has reasonable cause to suspect that a person driving, attempting to drive or in charge of a motor vehicle on a road or other public place has alcohol in his body, require him to provide in the prescribed manner there or at such other place as may be designated by the constable, being a place in the vicinity where facilities are available for the carrying out of breath tests, a specimen of breath for a breath test.

(2) A person who, without reasonable excuse, fails to provide a specimen of breath for a breath test under this Article shall be guilty of an offence under this Order.

(3) An authorised constable may, where it appears to him—

(a) that a person is guilty of an offence under paragraph (2); or

(b) that a breath test carried out by him on a specimen of breath provided under this Article indicates that the proportion of alcohol in a person's blood or urine exceeds the prescribed limit,

arrest that person without a warrant.

(4) Where a breath test carried out on a specimen of breath provided by any person in pursuance of a requirement imposed on him under paragraph (1) indicates that the proportion of alcohol in his blood or urine exceeds the prescribed limit, he may, on being informed of the result of the breath test and after being warned of the consequence of giving his consent, consent in writing to that proportion being treated for the purposes of any proceedings which may be brought against him for an offence under Article 145 (including any appeal therefrom) as if it had been a proportion ascertained from a laboratory test on a specimen provided in pursuance of a requirement imposed under Article 147.

(5) A person who gives a consent under paragraph (4) shall not be required under Article 147 to provide a specimen for a laboratory test.

(6) A written consent given by any person under paragraph (4) shall be admissible as evidence in any proceedings brought against him for an offence under Article 145 (including any appeal therefrom) and in any such proceedings the proportion of alcohol in blood or urine specified in that consent shall be treated as the proportion of alcohol as ascertained from a laboratory test on a specimen provided in pursuance of a requirement imposed under Article 147.

Provision of specimens for purposes of Article 145

147.—(1) A person who has been arrested under Article 146 may be required by an authorised constable or, where the arrested person is brought to a police station, may be required by an authorised constable or the constable then in

charge of the police station, to provide a specimen (which may be a specimen of blood or of urine) for a laboratory test.

(2) Where a constable has reasonable cause to suspect that a person who is a patient in a hospital drove, attempted to drive or was in charge of a motor vehicle on a road or other public place while he had alcohol in his body, the constable may, subject to paragraph (3), require him to provide at the hospital a specimen (which may be a specimen of blood or of urine) for a laboratory test but a person shall not be required under this paragraph to provide a specimen if the medical practitioner in immediate charge of that person's case is not first notified of the proposal to make the requirement or objects to the provision of a specimen on the ground that its provision or the requirement to provide it or the giving of a warning mentioned in paragraph (3) would be prejudicial to the proper care or treatment of the patient.

(3) A person who, after a warning given by a constable that failure to provide a specimen for a laboratory test in pursuance of a requirement imposed on him under this Article may render him liable to a fine, imprisonment and disqualification, without reasonable excuse fails to provide such a specimen shall be guilty of an offence under this Order and shall be liable to be proceeded against, tried and punished as if the offence charged were an offence under Article 145.

(4) A person shall not be treated for the purposes of paragraph (3) as failing to provide a specimen unless—

- (a) he is first requested to provide a specimen of blood but refuses to do so;
- (b) he is then requested to provide two specimens of urine within one hour of the request, but fails to provide them within the hour or refuses at any time within the hour to provide them; and
- (c) he is again requested to provide a specimen of blood but refuses to do so.

(5) The first specimen of urine provided in pursuance of a request under paragraph (4) (b) shall be disregarded for the purposes of Article 143.

Proceedings for offences under Article 145 and exclusion of proceedings for offences under Article 141

148.—(1) Where by reason of any circumstances a constable has reasonable cause to suspect that a person driving, attempting to drive or in charge of a motor vehicle on a road or other public place has alcohol in his body and, in exercise of the powers conferred on him by Articles 146 and 147, requires that person to provide a specimen of breath, blood or urine, proceedings shall not be brought against that person for an offence under Article 141 arising out of those circumstances.

(2) In any proceedings for an offence under Article 145 the court shall have regard to any evidence given of the proportion of alcohol in the blood or urine of the accused as ascertained from a laboratory test carried out on a specimen of blood or urine provided by him at any material time pursuant to a requirement imposed on him under Article 147.

(3) Paragraphs (2) to (6) of Article 143 shall apply in relation to proceedings for an offence under Article 145 as they apply in relation to proceedings for an offence under Article 141.

Certificates of medical practitioners in proceedings for offences under Articles 141 and 145

149. For the purposes of any proceedings for an offence under Article 141 or 145 a certificate purporting to be signed by a medical practitioner that he

took a specimen of blood from a person with his consent shall be evidence of the matters so certified and of the qualifications of the medical practitioner and Article 143 (3) shall apply in relation to a certificate under this Article and the medical practitioner who signed it as it applies in relation to a certificate under that Article and the person who signed that certificate.

Alternative convictions on charges under Article 141

150.—(1) Where a court of summary jurisdiction or, on a trial on indictment, the jury, is satisfied that a person charged with an offence under Article 141 is not guilty of that offence but that he is guilty of an offence under Article 145 the court or, as the case may be, the jury, shall acquit him of the offence under Article 141 and shall find him guilty of an offence under Article 145.

(2) Without prejudice to the operation of any other enactment, or of any rule of law or practice, where a person is charged before a court with an offence under Article 141 (in this paragraph referred to as “the major offence”) he may plead not guilty of that offence but guilty of an offence under Article 145 (in this paragraph referred to as “the minor offence”) and—

- (a) the court, if the prosecution proceeds with the trial of the charge for the major offence, shall allow the plea of guilty of the minor offence to stand over until the completion of that trial and—
 - (i) if the person charged is found guilty of the major offence shall convict and sentence him for the major offence, and,
 - (ii) if he is found not guilty of the major offence shall convict and sentence him upon his plea of guilty of the minor offence;
- (b) the court, if the prosecution does not proceed with the trial of the charge for the major offence, shall convict and sentence him upon his plea of guilty of the minor offence; and
- (c) in any such case, his conviction for the one offence shall operate to bar a conviction for the other but nothing in this sub-paragraph shall prejudice any power exercisable by a court on appeal or on a new trial.

Consequences of conviction of certain offences of driving or being in charge

151. A person convicted of any of the following offences, that is to say, an offence under Article 141, 144 (3), 145, 146 (2) or 147 (3), shall be treated for purposes of determining his liability to punishment on a subsequent conviction of any other of those offences as having been convicted of that other offence.

Interpretation of Articles 144 to 151

152.—(1) In Articles 144 to 151—

- “authorised constable” means a constable who is specially authorised by the Chief Constable to carry out functions under Articles 146 to 148;
- “breath test” means a test for the purpose of obtaining an indication of the proportion of alcohol in a person’s blood or urine carried out, by means of a device of a type approved by the Head of the Department, on a specimen of breath provided by that person;
- “fails”, in relation to providing a specimen, includes neglects or refuses;
- “hospital” means an institution which provides medical or surgical treatment for in-patients or out-patients;
- “laboratory test” means the analysis of a specimen provided for the purpose;
- “prescribed”, except in the expression “the prescribed limit”, means prescribed by regulations made by the Department;

“the prescribed limit” means—

(a) in relation to blood, 80 milligrammes of alcohol in 100 millilitres of blood;

(b) in relation to urine, 107 milligrammes of alcohol in 100 millilitres of urine;

or such other proportions as may be prescribed by regulations made by the Department subject to affirmative resolution.

(2) A person shall be treated for the purposes of Articles 144 to 151 as providing a specimen of blood if, but only if, he consents to the specimen being taken intravenously by a medical practitioner and it is so taken and shall be treated as providing it at the time it is so taken.

(3) For the purposes of Articles 144 to 151 a device shall be treated as of a type approved by the Head of the Department where a statement that the Head of the Department has approved a device of that type is published in the Belfast Gazette.

Other offences involving want of due care and attention

Careless driving

153.—(1) A person drives carelessly within the meaning of this Article if on a road or other public place he drives a motor vehicle or a vehicle drawn by a horse or other animal or rides a pedal cycle without due care and attention, or without reasonable consideration for other persons using the road or place.

(2) Every person who drives carelessly shall be guilty of an offence under this Order.

Driving with uncorrected defective eyesight

154.—(1) If a person drives a motor vehicle on a road while his eyesight is such (whether through a defect which cannot be or one which is not for the time being sufficiently corrected) that he cannot comply with any requirement as to eyesight prescribed under Part II for the purposes of tests of competence to drive, he shall be guilty of an offence under this Order.

(2) A constable having reason to suspect that a person driving a motor vehicle may be guilty of an offence under paragraph (1) may require him to submit to a test for the purpose of ascertaining whether, using no means of correction other than he used at the time of driving, he can comply with the requirement as to eyesight prescribed under Part II for the purposes of tests of competence to drive; and if that person refuses to submit to the test he shall be guilty of an offence under this Order.

Exceeding speed limit

155.—(1) Every person who drives a motor vehicle on a road at a speed exceeding the limit fixed by or under any enactment applicable to that road or to that vehicle shall be guilty of an offence under this Order.

(2) Where such a restricted road as is referred to in Article 50 (2) (b) leads directly into or out of an unrestricted road which is a public road, it shall be a good defence for any person charged with an offence under this Article for exceeding the speed limit applicable to the restricted road to prove that he entered upon the restricted road from the unrestricted road and that at the time when he did so adequate guidance was not given by means of traffic signs required to be erected under Article 50 (7) as to the place where the restriction began.

(3) In any proceedings for an offence under this Article committed in contravention of Article 50 a certificate of an officer of the Department stating whether on 1st October 1956 a system of street lighting furnished by means of lamps placed not more than 200 yards apart was provided on any length of that road shall be evidence of the facts certified, and a document purporting to be such a certificate and to be signed by such an officer shall be deemed to be such a certificate unless the contrary is shown.

Exceeding temporary or experimental speed limit

156. Any person who drives a motor vehicle on a road to which an order under Article 51 applies at a speed exceeding the limit specified in the order shall be guilty of an offence under this Order, but it shall be a good defence for any person charged with an offence under this Article to prove that he entered on that road from a road in respect of which no speed limit was in force or in respect of which there was in force a speed limit greater than that imposed by any such order at the time of his entry and that at such time he did not know and had no reasonable means of knowing that a speed limit was in force under that Article in respect of the road on which he entered.

Incitement to commit offence under Article 155 or 156

157.—(1) If any person is convicted of inciting any person who is employed by him to drive, or is subject to his orders in driving, a motor vehicle on a road, to commit an offence under Article 155 or 156 he shall, notwithstanding anything in section 69 of the Magistrates' Courts Act (Northern Ireland) 1964 instead of being liable on being so convicted to be punished as a principal offender, be liable to the penalties for that offence set forth in Schedule 4.

(2) If a person who employs any other person to drive a motor vehicle gives any direction under which any journey is to be completed within some specified time, and it is not practicable in the circumstances of the case at the time of the giving of the direction for that journey to be completed in the specified time without an infringement of the provisions of Article 155 or 156 the giving of the direction shall be received as prima facie evidence that the employer procured or, as the case may be, incited the person employed by him to drive the vehicle to commit an offence under those provisions.

Contravention of traffic directions

158. Any person who, without reasonable excuse, contravenes a direction given by a constable in uniform carrying out functions under this Order or an indication given by a traffic sign, except where that indication is at variance with a direction given by a constable in uniform, shall be guilty of an offence under this Order.

Traffic directions for purposes of traffic surveys

159.—(1) A constable in uniform giving a traffic direction for the purposes of a traffic survey of any description which is carried out on or in the vicinity of a road shall be deemed for the purposes of Article 158 to be carrying out functions under this Order.

(2) Article 158 shall apply to a traffic sign by which an indication is given for the purposes of the survey.

(3) In this Article "traffic direction" and "indication" mean a direction or indication to stop a vehicle, to make it proceed to a particular point on or near the road on which the vehicle is being driven or propelled, but does not include

a direction or indication requiring any person to furnish any information for the purposes of a traffic survey.

(4) The power to give a traffic direction or indication for the purposes of a traffic survey shall be so exercised as not to cause any unreasonable delay to a person who indicates that he is unwilling to furnish any information for the purposes of the survey.

Unlawful carriage of passengers on motor cycles

160. Any person who drives a two-wheeled motor cycle on which more than one person in addition to the driver is carried, or on which any such one person is carried otherwise than sitting on a proper seat securely fixed to the cycle either behind or as a rearward extension of the driver's seat shall be guilty of an offence under this Order.

Unlawful carriage of passengers on pedal cycles

161. Any person who while riding on a road a pedal cycle designed and constructed to carry only one person, carries on the cycle any other person shall be guilty of an offence under this Order.

Pedestrian or pedal cyclist endangering own safety or that of others

162. Any pedestrian or pedal cyclist who through his own negligence on a road endangers his own safety, or that of any other person, shall, without prejudice to any other provision of this Order relating to pedal cyclists, be guilty of an offence under this Order.

Other offences

Control of dogs on designated roads

163.—(1) Any person in charge of a dog who causes or permits the dog to be on a designated road without the dog being held on a lead shall be guilty of an offence under this Order.

(2) For the purposes of paragraph (1) the owner of a dog shall be deemed to be in charge of the dog unless he can show that at the material time the dog was in the charge of some other person.

(3) In this Article—

“designated road” means such road or part of a road as may be specified by an order made in that behalf by the Department;

“owner of a dog” means either—

(a) the person who holds a licence for the time being in force in respect of the dog; or

(b) where no licence is for the time being in force in respect of the dog, the occupier of the house or premises where the dog is usually kept or found.

(4) An order under paragraph (3) may provide that paragraphs (1) and (2) shall apply subject to such limitations or exceptions as may be specified in the order, and (without prejudice to the generality of the foregoing words) that paragraphs (1) and (2) shall not apply to dogs whilst being used for the guidance of blind persons or to dogs proved to have been in use at the material time for driving or tending sheep or cattle in the course of a trade or business or to have been at the material time in use under proper control for sporting or police purposes.

(5) The provisions of this Article shall be in addition to and not in derogation of the provisions of the Control of Greyhounds, etc., Act (Northern Ireland) 1950 (a) or of any other enactment relating to dogs.

(6) Without prejudice to the right of any other person to institute proceedings for an offence under this Article the Department may institute proceedings for such an offence.

Passing with a led horse

164.—(1) Every person who, while riding a horse on a road, leads another horse shall keep that other horse on his left or near side while any person or carriage is passing him.

(2) Any person who contravenes paragraph (1) shall be guilty of an offence under this Order.

Selling unapproved protective headgear for motor cyclists

165.—(1) Any person who in Northern Ireland sells, or offers or exposes for sale, headgear as headgear for affording such protection as is mentioned in Article 129 (3) where the headgear is not of a type prescribed under that paragraph shall, subject to paragraph (3) of this Article, be guilty of an offence under this Order.

(2) Proceedings for an offence under paragraph (1) shall not be heard or determined earlier than 14 days after the date of the service of the summons in respect of the offence.

(3) A person shall not be convicted of an offence under paragraph (1) in respect of the sale, or offering or exposing for sale, of headgear if he proves that it was sold, or, as the case may be, offered or exposed for sale, for export from Northern Ireland.

(4) The provisions of Schedule 3 shall have effect in relation to contraventions of paragraph (1).

(5) In this Article and Schedule 3 references to selling or sale shall include references to letting on hire and references to offering or exposing for sale shall be construed accordingly.

Applying for or obtaining driving licence or provisional licence while disqualified

166.—(1) Any person who applies for or obtains a driving licence or a provisional licence while disqualified for holding or obtaining such a licence either—

(a) by Article 4 (1), or

(b) by or under any other provision of this Order,

shall be guilty of an offence under this Order.

(2) A licence obtained in contravention of this Article shall be of no effect.

Driving a motor vehicle, or causing or permitting a person to drive a motor vehicle, while disqualified

167.—(1) Any person who, while disqualified for holding or obtaining a driving licence or a provisional licence, either—

(a) by Article 4 (1), or

(a) 1950 c. 13 (N.I.).

(b) by or under any other provision of this Order,

drives on a road—

(i) a motor vehicle, or

(ii) if the disqualification is limited to the driving of a motor vehicle of a particular class or description, a motor vehicle of that class or description,

shall be guilty of an offence under this Order.

(2) Paragraph (1) (a) does not apply to a person who drives a vehicle of any class in circumstances in which he is permitted by virtue of regulations under Article 4 (2) to hold or obtain a driving licence or a provisional licence to drive a vehicle of that class and who does so in accordance with any conditions or with the terms of any exemption which would be applicable in his case by virtue of the regulations.

(3) Where a person is disqualified by Article 4 (1) for holding or obtaining a driving licence or a provisional licence to drive on a road a motor vehicle of any class, or would be so disqualified were it not for the provisions of, or anything done under, regulations under Article 4 (2), any person who causes or permits him to drive on a road a motor vehicle of that class otherwise than in circumstances, and in accordance with conditions or within the terms of an exemption, specified in or under the regulations shall be guilty of an offence under this Order.

*Sections 61 and 65 of Magistrates' Courts Act (Northern Ireland) 1964
not to apply to Articles 166 and 167*

168. Sections 61 and 65 of the Magistrates' Courts Act (Northern Ireland) 1964 (which empower a magistrates' court to impose a fine or order detention within the court precincts or at a constabulary station in lieu of imprisonment), shall not apply to offences under Article 166 or 167.

*Failure to produce driving licence or provisional licence for endorsement
and applying for or obtaining unendorsed driving licence or provisional
licence*

169.—(1) Any person who contrary to Article 197 fails to produce his driving licence or provisional licence to a court for the purpose of endorsement shall be guilty of an offence under this Order.

(2) Any person who, after his driving licence or provisional licence has been ordered to be endorsed and who has not previously become entitled under the provisions of Article 197 to have a licence issued to him free from endorsement, applies for or obtains a licence without giving particulars of the order shall be guilty of an offence under this Order.

Selling reflector not complying with Articles 38 to 46 or regulations

170. Any person who sells or offers for sale any appliance adapted for use as a reflector to be carried on a vehicle in accordance with the provisions of Articles 38 to 46 or of any regulation made under Article 49, not being a reflector which complies with the conditions prescribed in relation to such a vehicle shall be guilty of an offence under this Order.

Vehicle causing obstruction

171.—(1) Every person who on any road causes or permits any vehicle to stand or remain in such a position as to cause or to be likely to cause any obstruction or danger shall be guilty of an offence under this Order.

(2) Any person who so causes or permits any vehicle to stand or remain in such a position as to cause or to be likely to cause any obstruction or danger may, if present, be called upon by any constable to remove the vehicle, and, if he is not present, or if he refuses to remove it, the constable may himself remove it or may authorise any other person to remove it.

(3) Any costs reasonably incurred by a constable in connection with the removal of any vehicle under paragraph (2) may be recovered summarily as a civil debt due to the Police Authority for Northern Ireland by the person causing or permitting the vehicle to stand or remain in the position from which it is removed.

(4) Every person who obstructs or impedes, or assists another person to obstruct or impede, the removal of a vehicle under paragraph (2) shall be guilty of an offence under this Order.

(5) A constable shall not be liable in respect of anything done by him under paragraph (2) in good faith and without negligence and no action shall lie at the suit of the owner of the vehicle against the Police Authority for Northern Ireland in respect of anything so done by a constable.

(6) References in paragraph (5) to a constable shall include references to a person acting on the authority of a constable.

Taking vehicle without owner's consent or other authority

172.—(1) Subject to paragraph (2), any person who, without having the consent of the owner or other lawful authority, takes or attempts to take, a motor vehicle, trailer or pedal cycle for his own or another's use or, knowing that any motor vehicle, trailer or pedal cycle has been taken without such authority, drives or attempts to drive it or allows himself to be carried in or on it shall be guilty of an offence under this Order.

(2) If on proceedings on indictment for an offence under this Article the jury is satisfied, or, on summary proceedings under this Article the court is satisfied, that the defendant acted in the reasonable belief that he had lawful authority, or in the reasonable belief that the owner would, in the circumstances of the case, have given his consent if he had been asked for it, the defendant shall not be liable to be convicted of the offence.

(3) On the trial of any indictment for the theft of a motor vehicle, trailer or pedal cycle, the jury may acquit the defendant of theft and find him guilty of an offence under this Article.

(4) A court of summary jurisdiction dealing summarily with the offence of theft of a motor vehicle, trailer or pedal cycle may acquit the defendant of that offence and find him guilty of an offence under this Article.

Tampering with motor vehicles

173. If, while a motor vehicle is on a road or other public place a person otherwise than with lawful authority or reasonable cause gets on to the vehicle or tampers with any part of the vehicle or its equipment, he shall be guilty of an offence under this Order.

False statements in connection with forgery of, and fraudulent use of, documents; issue of false insurance certificate and powers of seizure

174.—(1) A person shall be guilty of an offence under this Order who—

(a) in connection with an application for any licence or a goods vehicle certificate under the provisions of this Order, knowingly makes a declaration which is false or is misleading in any material respect;

- (b) being required by any provision of this Order or of any regulations made under this Order to furnish particulars in connection with any such application as aforesaid or otherwise in connection with any vehicle, knowingly furnishes particulars which are false or are misleading in any material respect;
- (c) for the purpose of obtaining the issue of a certificate of insurance or a certificate of security under Article 92 or 93, knowingly makes a statement which is false, or withholds any material information;
- (d) issues a certificate of insurance or certificate of security under Article 92 or 93 which he knows to be false in any material particular.

(2) A person who forges, or fraudulently alters or uses, or fraudulently lends to, or allows to be used by, any other person, any mark for identifying a vehicle, any badge, any licence or goods vehicle certificate under this Order, any certificate of insurance or certificate of security under Article 92 or 93, or a certificate prescribed by regulations under Article 132 or produces any document as evidence of insurance in pursuance of Regulation 6 of the European Communities (Motor Vehicles: Compulsory Insurance) (Northern Ireland) Regulations 1973 (a) shall be guilty of an offence under this Order.

(3) If a member of the Royal Ulster Constabulary has reason to believe that a certificate of insurance or a certificate of security or a driving licence or a provisional licence produced to him under Article 97, 175 or 180 by the driver of a motor vehicle is a document in relation to which an offence has been committed under this Article, he may seize the document; when the document is seized under this Article the person from whom it was taken shall, unless the document has been previously returned to him or he has been previously charged with an offence under this Article, be summoned before a magistrates' court to account for his possession of the document, and the court shall make such order respecting the disposal of the document and award such costs as the justice of the case may require.

(4) Where in any proceedings under this Article any question arises as to the number of vehicles used, or as to the character, weight or horsepower of any vehicle, or as to the number of persons seated by a vehicle, or as to the purpose for which any vehicle has been used, the burden of proof in respect of the matter in question shall lie on the accused person.

(5) In this Article "certificate of insurance" and "certificate of security" include any document issued under regulations made by the Department under Article 103 which prescribe the evidence which may be produced in lieu of a certificate of insurance or a certificate of security.

Duties on occurrence of accidents and identification of persons

Duties on occurrence of an accident caused by presence of a motor vehicle

175.—(1) If in any case, owing to the presence on a road or other public place of a motor vehicle, an accident occurs whereby—

- (a) injury is caused to any person other than the driver of that vehicle; or
- (b) injury is caused to any animal other than an animal in or on that vehicle or owned by the driver of that vehicle; or
- (c) damage is caused to any property other than that vehicle or property in or on that vehicle or property of the driver or owner of that vehicle,

(a) S.R. & O. (N.I.) 1973 No. 448.

the following provisions of this paragraph shall have effect—

- (i) the driver of the vehicle shall, if the vehicle is not stationary after the occurrence of the accident, stop the vehicle,
- (ii) the driver of the vehicle shall keep the vehicle stationary at or near the place where the accident occurred for such period as is reasonable in all the circumstances having regard to the provisions of sub-paragraph (iii),
- (iii) the driver of the vehicle shall give to any constable on demand and to any other person who on reasonable grounds requires him to do so, his name and address, the name and address of the owner of the vehicle and the identification mark or number of the vehicle,
- (iv) the driver of the vehicle shall if for any reason he does not give the particulars mentioned in sub-paragraph (iii) or (whether or not those particulars are given) the accident has directly or indirectly resulted in injury to any other person, forthwith report the accident and give those particulars and produce his certificate (within the meaning of Article 97 (4)) at a police station or to a member of the Royal Ulster Constabulary so, however, that it shall be a good defence to any person charged under paragraph (2) with a contravention of the provisions of this sub-paragraph to prove that he had good cause for such contravention and that he reported the accident and gave the particulars at a police station or to a member of the Royal Ulster Constabulary as soon as was reasonably practicable after the occurrence of the accident.

(2) Every person who knowingly contravenes any of the provisions of paragraph (1) shall be guilty of an offence under this Order.

(3) Where the person who was driving the vehicle at the time of an accident where injury is caused to any other person, is convicted of an offence under paragraph (1) he shall, subject to paragraph (4), be disqualified for holding or obtaining a driving licence or a provisional licence for a minimum period of 12 months.

(4) Where an offence of which a person is convicted under paragraph (1) consists only of a contravention of sub-paragraph (iv) of that paragraph the court, if satisfied having regard to all the circumstances that there are special grounds (which grounds shall be specified in the order of the court) for mitigating the disqualification required to be imposed by paragraph (3), may—

- (a) order him to be disqualified for a lesser period than 12 months; or
- (b) order that the disqualification be limited to the driving of a motor vehicle of the same class or description as the vehicle in relation to which the offence was committed; or
- (c) order that he shall not be disqualified.

(5) Where an accident occurs owing to the presence on a road or other public place of a motor vehicle and that vehicle was being driven or, when last driven before the accident had been driven, by some person other than the owner of the vehicle, the owner shall give to any constable on demand all such information in his possession or procurement as may assist the constable in obtaining the name and address of the driver of the vehicle at the time of the accident or of the last driver of the vehicle prior to the accident and any person who acts in contravention of this paragraph shall be guilty of an offence under this Order.

(6) In this Article and Article 176—

“animal” means any horse, cattle, ass, mule, hinny, sheep, pig, goat or dog;

“injury” in relation to a person means personal injury and in relation to a person or animal includes injury resulting in death.

Duties on occurrence of other accidents

176.—(1) If in any case, owing to the presence on a road or other public place of a vehicle, not being a motor vehicle, or an animal, an accident occurs whereby—

- (a) injury is caused to any person other than a person driving, riding or in charge of that vehicle or animal, as the case may be; or
- (b) injury is caused to any animal other than the first-mentioned animal or an animal owned by, or at the time of the occurrence of the accident in the charge of, the person driving, riding or in charge of the vehicle or first-mentioned animal, as the case may be; or
- (c) damage is caused to any property other than property owned by, or at the time of the occurrence of the accident in the charge of, the person driving, riding or in charge of the vehicle or first-mentioned animal, as the case may be,

the person driving, riding or in charge of the vehicle or first-mentioned animal shall stop and shall give to any constable on demand and to any other person who on reasonable grounds requires him to do so, his name and address and, where he is not the owner of the vehicle or first-mentioned animal, the name and address of the owner and, if for any reason he does not give those particulars or (whether or not those particulars are given) the accident has directly or indirectly resulted in injury to any other person, forthwith report the accident and give those particulars at a police station or to a member of the Royal Ulster Constabulary.

(2) Subject to paragraph (3), every person who knowingly contravenes any of the provisions of paragraph (1) shall be guilty of an offence under this Order.

(3) It shall be a good defence to any person charged under paragraph (2) with a contravention of the provisions of paragraph (1) requiring him forthwith to report the accident and give the said particulars to prove that he had good cause for the contravention and that he reported the accident and gave the particulars at a police station or to a member of the Royal Ulster Constabulary as soon as was reasonably practicable after the occurrence of the accident.

Identification of drivers or owners of, and passengers in, vehicles

177. Where the driver of a vehicle is alleged to be guilty of an offence under any provision of this Order, or any order, regulation or bye-law made under any such provision or under any provision of any local Act or bye-law in force under a local Act with respect to road traffic—

- (a) the driver of the vehicle shall on demand give to a constable his correct name and address and where the driver is not the owner of the vehicle, that of the owner and any other information concerning the vehicle (including the names and addresses of any passengers carried in or on the vehicle at the time of the alleged offence) which it is in his power to give and, if he fails to do so, he shall be guilty of an offence under this Order;
- (b) the owner of the vehicle shall give such information as he may be required by a constable to give as to the identity of the driver, and, if he fails to do so, he shall be guilty of an offence under this Order, unless he shows to the satisfaction of the court that he did not know and could not with reasonable diligence have ascertained who the driver was; and

- (c) any other person shall, if required as aforesaid, give any information which it is in his power to give and which may lead to the identification of the driver or owner of the vehicle, and, if he fails to do so, he shall be guilty of an offence under this Order.

Identification of pedal cyclists

178. A constable may require any pedal cyclist who appears to him to have committed an offence under Article 162 to give his correct name and address, and if that person fails to do so he shall be guilty of an offence under this Order.

Identification of pedestrians

179.—(1) If a constable has reasonable cause to believe that any pedestrian has committed any offence under this Order or any regulations made under this Order, he may require him to give his name and address.

(2) Any person who fails to give his name and address as required by paragraph (1) shall be guilty of an offence under this Order.

Enforcement powers and powers of arrest

Enforcement powers of constable

180.—(1) A constable in uniform may require any person driving a motor vehicle on a road or other public place or any person riding a pedal cycle on a road or other public place to stop, and any person who fails to stop when he is so required shall be guilty of an offence under this Order.

(2) A constable may require the production for examination of the driving licence, provisional licence, certificate of insurance or vehicle test certificate of any person—

- (a) who is driving a motor vehicle on a road; or
- (b) whom he reasonably suspects to have been involved in an accident on a road; or
- (c) whom he reasonably suspects to have committed an offence under this Order.

(3) If any condition of a provisional licence requires the holder of that provisional licence while driving or learning to drive a motor vehicle to be under the supervision of or to be accompanied by the holder of a driving licence a constable may at any time require the holder of the driving licence to produce his driving licence for examination.

(4) If any person fails to produce his licence or certificate of insurance or vehicle test certificate immediately when asked for it or, alternatively, to bring it in person within 5 days after the production of his licence or certificate of insurance or vehicle test certificate was so required to such police station as the person so failing shall have specified at the time its production was required, he shall be guilty of an offence under this Order.

(5) A constable may arrest without warrant any person who within his view commits or whom he suspects, on reasonable grounds, to have committed an offence under Article 141, 142 or 172.

(6) A constable may arrest without warrant any person who within his view commits or whom he suspects, on reasonable grounds, to have committed an offence under Article 90, 139, 166 or 167 if that person fails to satisfy the constable as to his identity and where he may be found.

(7) Any person who obstructs any constable in the exercise of any powers conferred under this Order or who refuses to answer, or answers falsely, any inquiry authorised to be made by a constable under Article 139 (4) shall, without prejudice to any other provision of this Order, be guilty of an offence under this Order.

Power to arrest persons resident outside United Kingdom

181.—(1) A person who, being resident outside the United Kingdom, commits in Northern Ireland an offence to which this Article applies may be arrested without warrant by a constable and detained until he enters into a recognizance under the Magistrates' Courts Act (Northern Ireland) 1964 to appear before a magistrates' court to answer a complaint charging that offence.

(2) The offences to which this Article applies are—

- (a) any offence under Article 90;
- (b) any offence under Article 139;
- (c) any offence under Article 141.

Jurisdiction over offences about drivers' hours

Jurisdiction in prosecutions under Articles 56 and 81 (1)

182. An offence under Article 56 (or that Article as applied by Article 63) or Article 81 (1) may be treated, for the purpose of conferring jurisdiction on a court (but without prejudice to any jurisdiction it may have apart from this Article) as having been committed in any of the following places, that it to say—

- (a) the place where the person charged with the offence was driving when evidence of the offence first came to the attention of a constable or an inspector of vehicles;
- (b) the place where that person resides or is, or is believed to reside or be, at the time when the proceedings are commenced; or
- (c) the place where at that time that person or, in the case of an employee-driver, that person's employer or, in the case of an owner-driver, the person for whom he was driving, has his place or principal place of business or his operating centre for the vehicle in question.

Provisions as to periods of limitation and notice of intention to prosecute

Period of limitation of summary proceedings for certain offences

183.—(1) Notwithstanding anything in section 34 (1) of the Magistrates' Courts Act (Northern Ireland) 1964, summary proceedings for an offence under Article 166 (1) (a) or (b), 167 (1) (a) or (3) or 174 (1) may be brought within a period of 6 months from the date on which evidence sufficient in the opinion of the complainant to warrant the proceedings came to his knowledge; but no such proceedings shall be brought by virtue of this Article more than 3 years after the commission of the offence.

(2) For the purposes of this Article a certificate signed by or on behalf of the complainant and stating the date on which such evidence as aforesaid came to his knowledge shall be conclusive evidence of that fact; and a certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.

Notice of intention to prosecute for certain offences

184.—(1) Except as provided by paragraph (2) a person prosecuted for an offence under Article 155 or 171 or for an offence consisting of the driving of a vehicle in contravention of any regulation made under this Order with respect to traffic signs shall not be convicted of such offence unless—

- (a) he was warned at the time of the commission of the offence or within 24 hours thereafter that the question of prosecuting him would be taken into consideration; or
- (b) within 14 days of the commission of the offence a summons for the offence was served on him; or
- (c) within such period of 14 days a notice of intended prosecution specifying the nature of the alleged offence and the time and place where it is alleged to have been committed was served on him or on the person registered as owner of the vehicle at the time of the commission of the offence.

(2) Paragraph (1) shall not apply if it appears to the court that—

- (a) the person prosecuted was not prejudiced in his defence by a failure to comply with the provisions of that paragraph; or
- (b) the person prosecuted by his own conduct contributed to the failure to comply with that paragraph.

(3) The requirements of paragraph (1) shall in every case be deemed to have been complied with unless and until the contrary is proved.

Provisions as to evidence

Evidence of declaration for obtaining driving licence or provisional licence

185. In any proceedings the fact that a provisional licence or a driving licence has been granted to a person shall be evidence that that person for the purpose of obtaining that licence made a declaration that he was not disqualified for holding or obtaining the licence.

Evidence of unladen weight of motor vehicles

186. In any proceedings for an offence under this Order or any regulations made under this Order any figures or letters painted or otherwise marked on a motor vehicle purporting to indicate the unladen weight of that vehicle shall be prima facie evidence thereof.

Traffic signs and parking meters deemed to be lawfully erected

187.—(1) For the purposes of any prosecution for an offence under any provision of this Order, a traffic sign erected or provided in, on or near any road shall, until the contrary is proved, be deemed to have been lawfully so erected or provided and to be of such size, colour and type and to be in such position and to have such other characteristics as may be required by law.

(2) Paragraph (1) shall apply to parking meters and to notices or traffic signs erected by the Department for the purposes of a parking place designated by bye-laws made under Article 107, as it applies to traffic signs.

Evidence by certificate

188.—(1) In any proceedings for an offence under this Order, the Vehicles (Excise) Act (Northern Ireland) 1972 or any other enactment for the time being in force relating to the use of vehicles on roads, a certificate purporting

to be signed by a member of the Royal Ulster Constabulary or a traffic warden and certifying that a person specified in the certificate stated to that member of the Royal Ulster Constabulary or to that traffic warden, as the case may be,—

- (a) that a particular motor vehicle was being driven or used by, or was in the charge of, or belonged to, that person on a particular occasion; or
- (b) that a particular motor vehicle on a particular occasion was used by, or belonged to, a firm in which that person also stated that he was at the time of the statement a partner or an employee; or
- (c) that a particular motor vehicle on a particular occasion was used by, or belonged to, a corporation of which that person also stated that he was at the time of the statement a director, officer or employee,

shall be admissible as evidence for the purpose of determining by whom the vehicle was being driven or used, or in whose charge it was, or to whom it belonged, as the case may be, on that occasion.

(2) Nothing in paragraph (1) shall be deemed to make a certificate admissible as evidence in proceedings for an offence except in a case where and to the extent to which oral evidence to the like effect would have been admissible in those proceedings, and—

- (a) unless a copy of the certificate has, not less than 7 days before the hearing or trial, been served on the person charged with the offence; or
- (b) if that person, not later than 3 days before the hearing or trial or within such further time as the court may in special circumstances allow, serves notice on the complainant or his solicitor requiring the attendance at the trial of the person who signed the certificate.

Proof in summary proceedings of identity of driver of vehicle

189. Where in the summary trial for an offence to which Article 177 applies—

- (a) it is proved to the satisfaction of the court that a requirement under Article 177 to give information as to the identity of the driver of a particular vehicle on the particular occasion to which the complaint relates has been served on the accused; and
- (b) a statement in writing is produced to the court purporting to be signed by the accused that the accused was the driver of the vehicle on that occasion,

the court may accept that statement as evidence that the accused was the driver of that vehicle on that occasion.

Admissibility of records as evidence

190.—(1) A statement contained in a document purporting to be—

- (a) a part of the records maintained by the Department in connection with any functions exercisable by the Department by virtue of this Order; or
- (b) a copy of a document forming part of those records; or
- (c) a note of any information contained in those records;

and to be authenticated by a person authorised in that behalf by the Department shall be admissible in any proceedings as evidence of any fact stated therein to the same extent as oral evidence of that fact is admissible in those proceedings.

(2) In this Article—

“document” includes, in addition to a document in writing—

- (a) any map, plan, graph or drawing;

- (b) any photograph;
 - (c) any disc, tape, sound track or other device in which sounds or other data (not being visual images) are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom; and
 - (d) any film, negative, tape or other device in which one or more visual images are embodied so as to be capable (as aforesaid) of being reproduced therefrom;
- “film” includes a microfilm;
- “statement” includes any representation of fact, whether made in words or otherwise.

- (3) In this Article, any reference to a copy of a document includes—
- (a) in the case of a document falling within paragraph (c) but not (d) of the definition of “document” in paragraph (2), a transcript of the sounds or other data embodied therein;
 - (b) in the case of a document falling within paragraph (d) but not (c) of that definition, a reproduction or still reproduction of the image or images embodied therein, whether enlarged or not;
 - (c) in the case of a document falling within both those paragraphs, such a transcript together with such a still reproduction; and
 - (d) in the case of a document not falling within the said paragraph (d) of which a visual image is embodied in a document falling within that paragraph, a reproduction of that image, whether enlarged or not,

and any reference to a copy of the material part of a document shall be construed accordingly.

(4) Nothing in this Article shall enable evidence to be given with respect to any matter other than a matter of the prescribed description.

Saving as to offence provisions

Saving as to offence provisions, etc.

191.—(1) Except as provided by paragraph (2), nothing in this Order shall exclude the application to any of the offences to which this Order relates of any enactment or rule of law—

- (a) authorising the summary trial of young offenders for indictable offences; or
- (b) restricting the power of a court to imprison young offenders; or
- (c) authorising an offender to be dealt with in any manner not authorised by the enactments specially relating to his offence; or
- (d) authorising a jury to find a person guilty of an offence other than that with which he is charged.

(2) Where under or in consequence of any provision of this Order a magistrates’ court has power to impose imprisonment for a term exceeding 6 months or to order a person to be imprisoned in respect of the non-payment of a fine or in default of sufficient distress to satisfy the amount of that fine, for a term in addition and succession to a term of imprisonment imposed for the same offence as the fine, nothing in section 64 of the Magistrates’ Courts Act (Northern Ireland) 1964, or in any enactment other than this Order shall operate to limit the aggregate period of any two or more consecutive terms so imposed or ordered.

Admission of previous convictions

Admission by accused of previous convictions

192.—(1) Where summary proceedings are instituted against any person for an offence under this Order and the accused has previously been convicted of any offence under this Order, it shall be lawful to serve on the accused with the summons a notice in the prescribed form setting out the prescribed particulars of the previous conviction or convictions.

(2) Where a notice under this Article has been served upon any accused, the conviction or convictions set out in the notice shall, if on the hearing of the complaint the accused is convicted, be deemed to be admitted by the accused and no further proof thereof shall be required by the court, unless two days at least before the hearing of the complaint the accused has, in the prescribed manner, notified the person mentioned in that behalf in the notice that upon such hearing the said conviction or convictions will not be admitted.

*Provisions as to penalties and disqualification for holding
or obtaining driving licence or provisional licence and as
to endorsement of those licences*

Prosecution and punishment of offences

193.—(1) Schedule 4 sets out in tabular form the manner in which offences under this Order are punishable on conviction.

(2) In relation to an offence under a provision of this Order specified in column 1 of Schedule 4 (the general nature of that offence being described in column 2)—

- (a) column 3 shows whether that offence is punishable on summary conviction or on indictment or in either one way or the other;
- (b) column 4 shows the punishment which may be imposed on a person convicted of the offence in the way specified in relation thereto in column 3 (that is to say, summarily or on indictment), any reference in column 4 to a period of years or months being construed as a reference to a term of imprisonment for that duration.

(3) Unless a contrary intention appears, a reference in Schedule 4 to a period of imprisonment shall be construed as a reference to the maximum term of imprisonment which may be imposed for the offence, a reference to a fine without a qualifying reference to a sum of money shall be construed as a reference to an unlimited fine and a reference to a sum of money shall be construed as the maximum fine which may be imposed for that offence.

(4) This Article and Schedule 4 shall be subject to any other provision of this Order with respect to the prosecution and punishment of any offence specified in that Schedule.

Provisions as to disqualification for applying for or obtaining licence

194.—(1) Without prejudice to the provisions of Article 193, any court before which a person is convicted under this Order or otherwise of any offence in connection with the use, driving or being in charge of a motor vehicle on any road or other public place, other than an offence in relation to which paragraph (2) applies or an offence of which a person is convicted by virtue of Article 201, may order him to be disqualified for holding or obtaining a driving licence or a provisional licence for such period as the court thinks fit and any such disqualification may, if the court so orders, be limited to the driving of a

motor vehicle of the same class or description as the vehicle in relation to which the offence was committed.

(2) Where under any provision of this Order or any other enactment a person convicted of an offence is required to be disqualified for holding or obtaining such a licence for a minimum period the court before which he is convicted shall order him to be disqualified for holding or obtaining any such licence for a period which is not less than that minimum period.

(3) A person who is disqualified for holding or obtaining a licence by virtue of a conviction or order of a court of summary jurisdiction may appeal against the disqualification in like manner as if it were an order made against him for the payment of a sum adjudged to be paid by a conviction and that court or any other court specified by magistrates' courts rules may order the operation of the disqualification to be suspended pending the appeal, and, if that court or that other court refuses to order such suspension, the High Court may do so upon application made to it by the person disqualified.

(4) Where a person who is disqualified by virtue of a conviction or order is the holder of a driving licence or a provisional licence, the licence shall be of no effect so long as the disqualification continues in force.

(5) A person who is ordered to be disqualified for holding or obtaining a driving licence or a provisional licence may, subject to paragraph (6), apply to the court which made the order or, where the original order was varied on appeal, to the court by which the variation was made, to remove the disqualification, and on any such application the court may, as it thinks proper having regard to the character of the person disqualified and his conduct subsequent to the conviction or order, the nature of the offence and any other circumstances of the case, by order either refuse the application or remove the disqualification as from such date as may be specified in the order.

(6) No application shall be made under paragraph (5) for the removal of a disqualification before the expiration of whichever is relevant of the following periods from the date of the order by which the disqualification was imposed, that is to say—

- (a) 2 years, if the disqualification is for less than 4 years;
- (b) one-half of the period of the disqualification, if it is for less than 10 years but not less than 4 years;
- (c) 5 years in any other case,

so, however, that where the disqualification was imposed on a conviction for an offence in relation to which a minimum period of disqualification is required under any provision of this Order to be imposed, no application for the removal of the disqualification shall be made before the expiration of that minimum period.

(7) Where an application under paragraph (5) is refused, a further application or further applications thereunder may be heard if made after the expiration of 3 months from the date of the refusal or, as the case may be, the last refusal but not otherwise.

(8) An application under paragraph (5) or paragraph (7) shall not be heard except after notice, setting forth the grounds of the application, has been given in such manner as may be prescribed, to the superintendent or chief superintendent of the Royal Ulster Constabulary acting for the division for which the convicting court acts.

(9) If the court orders a disqualification to be removed, the court shall cause particulars of the order to be endorsed on the licence, if any, previously held by the applicant and may in any case order the applicant to pay the whole or any part of the costs of the application.

(10) Nothing in any other provision of this Order or in any other enactment authorising or requiring the court to disqualify any person for obtaining or holding a driving licence or a provisional licence for a specified period shall operate to restrict the powers of the court under paragraph (1) or (2) to disqualify that person for such longer period as the court thinks fit.

Operation of disqualifications

195. In calculating the period for which under this Order a person is disqualified for holding or obtaining a driving licence or a provisional licence by virtue of a conviction or order, or the minimum period which, under Article 194, must elapse before the removal of such a disqualification, any time after the conviction during which the disqualification was suspended or he was not disqualified shall be disregarded.

Order of disqualification until test passed

196.—(1) Without prejudice to any other provision of this Order, the court before which a person is convicted under this Order of any offence in connection with the driving of a motor vehicle may in addition to any other disqualification or penalty order him to be disqualified until tested, that is to say, to be disqualified for holding or obtaining a driving licence until he has at some time after the conviction passed the test.

(2) Where by virtue of any conviction or order of a court under the provisions of this Order a person is or is ordered to be disqualified for holding or obtaining a driving licence for a period exceeding 12 months, he shall, in addition and without prejudice to that disqualification, be deemed also to have been ordered by the court to be disqualified until tested.

(3) The provisions of this Order which have effect where an order disqualifying a person for holding or obtaining a licence is made shall, in relation to a person ordered, or deemed to have been ordered, to be disqualified until tested, have effect subject to the following modifications, that is to say—

- (a) notwithstanding the provisions of Article 166 a person disqualified until tested who is not also disqualified for holding or obtaining a licence for a period of which any portion then remains unexpired shall be entitled to obtain and to hold a provisional licence;
- (b) Article 194 (5), (7) or (8) shall not apply, but the disqualification until tested shall be deemed to have expired on production to the Department of evidence in the prescribed form that the person disqualified has duly passed the test;
- (c) on the return to the person disqualified of any driving licence held by him, or on the issue to him of a driving licence, there shall be added to the endorsed particulars of the disqualification a statement that the person disqualified has, after the order was made, passed the test.

Provisions as to endorsements of licences

197.—(1) Any court before which a person is convicted of any offence under this Order, or of any offence in connection with the driving of a motor

vehicle punishable (whether on indictment or summarily) otherwise than under this Order, may in any case, and shall where a person is by virtue of a conviction disqualified for holding or obtaining a driving licence or a provisional licence, or where an order so disqualifying any person is made, order that particulars of the conviction and of any disqualification to which the convicted person has become subject be endorsed on any such licence held by that person.

(2) An order under paragraph (1) shall, whether the offender is at the time the holder of such a licence or not, operate as an order that any such licence he may then hold or may subsequently obtain, shall be so endorsed until he becomes entitled under the provisions of this Article to have a licence issued to him free from endorsement.

(3) Where an order is made requiring any such licence held by an offender to be endorsed, then—

(a) if the offender is at the time the holder of such a licence, he shall produce the licence within 5 days or such longer time as the court may determine for the purpose of endorsement; and

(b) if he is not then the holder of such a licence, but subsequently obtains such a licence, he shall within 5 days after so obtaining the licence produce it to the court for the purpose of endorsement,

and if the licence is not produced for the purpose of endorsement within such time as aforesaid, it shall be of no effect from the expiration of such time until it is produced for the purpose of endorsement.

(4) On the issue of a new driving licence or a new provisional licence to any person, the particulars endorsed on any previous such licence held by him shall be copied on to the new licence unless he has previously become entitled under the provisions of this Article to have a licence issued to him free from endorsements.

(5) If any person whose driving licence or provisional licence has been ordered to be endorsed and who has not previously become entitled under the provisions of this Article to have such a licence issued to him free from endorsement applies for or obtains such a licence without giving particulars of the order, any licence so obtained shall be of no effect.

(6) Particulars of a conviction endorsed on a driving licence or a provisional licence shall be prima facie evidence of the conviction.

(7) Where an order has been made in respect of a person under this Order requiring the endorsement of any driving licence or provisional licence held by him, he shall be entitled, either on applying for the grant of such a licence under this Order or, subject to payment of the required fee and to surrender of any such licence then current, on application at any time, to have issued to him a new such licence free from endorsement if during a period of two reckonable years or more since the order was made, he has had no such order made against him.

(8) Where a court orders particulars to be endorsed on such a licence held by any person, or where by a conviction or order of a court a person is disqualified for holding or obtaining such a licence, the proper officer of the court shall send notice of the conviction or order to the Department, and, in a case where a person is so disqualified, shall also on the production of the licence for the purpose of endorsement or on its production to comply with Article 8 (3) of the Criminal Justice (Northern Ireland) Order 1980 in the case of disqualification under that Article retain the licence and forward it to the

Department, and the Department shall keep the licence until the disqualification has expired or been removed and the person entitled to the licence has made a demand in writing for its return to him.

(9) Where the disqualification to which a person has become subject is limited to the driving of a motor vehicle of a particular class or description, the Department on receiving the disqualified person's licence forwarded under paragraph (8) shall forthwith after the receipt of the licence issue to him a new driving licence or a new provisional licence, as the circumstances may require, on which there shall be indicated in the prescribed manner the class or description of vehicle which the holder of the licence is not thereby authorised to drive, and the licence so issued shall remain in force either for the unexpired period of the original licence or for the period of the disqualification, whichever is the shorter.

(10) Where a driving licence or a provisional licence has been endorsed and an appeal against an order is allowed or a conviction is quashed, being an order or conviction to which the endorsement relates, the proper officer of the court by which the appeal is allowed or the conviction is quashed shall send notice thereof to the Department.

Punishment without prosecution of certain offences

Offences to which Articles 199 to 204 apply

198.—(1) Articles 199 to 204 shall, subject to paragraph (3), apply to any offence created under an enactment and punishable on summary conviction, being an offence committed in respect of a vehicle—

- (a) by its being on a road during the hours of darkness without the lights or reflectors required by law; or
- (b) by its waiting, or being left or parked, or being loaded or unloaded, in a road; or
- (c) by the non-payment of a charge made at a parking place designated by a bye-law made under Article 107; or
- (d) by any such use of the vehicle in contravention of Article 29 as the Department may by order specify; or
- (e) by its being used in contravention of any provision of Part III or of any order or bye-law made under that Part, being a provision—
 - (i) as to the route to be followed by vehicles of the class to which that vehicle belongs; or
 - (ii) as to roads which are not to be used by such vehicles; or
 - (iii) as to the places where such vehicles may not turn so as to face in the opposite direction to that in which they were proceeding or as to the conditions under which such vehicles may so turn; or
- (f) by its being used or kept on a public road (within the meaning of the Vehicles (Excise) Act (Northern Ireland) 1972) without a current licence being exhibited on the vehicle in the manner prescribed under that Act.

(2) The Department may by order made subject to affirmative resolution specify other offences under this Order to which Articles 199 to 204 shall apply.

(3) Articles 199 to 204 shall extend only to such areas as the Department may by order specify and the Department may by order exclude the application of those Articles to any offence.

(4) In this Article "enactment" has the meaning assigned to it by section 1 (b) of the Interpretation Act (Northern Ireland) 1954.

Procedure where person found at time of offence

199.—(1) Where a constable finds a person on any occasion and has reason to believe that on that occasion he is committing or has committed an offence to which Articles 199 to 204 apply he may give him a notice in writing offering the opportunity of the discharge of any liability to conviction of that offence by payment of a fixed penalty under Article 202.

(2) A person to whom a notice is given under this Article in respect of an offence shall not be liable to be convicted of that offence if the fixed penalty is paid in accordance with Article 202 before the expiration of the 14 days following the date of the notice or such longer period, if any, as may be specified in the notice.

(3) Where a person is given a notice under this Article in respect of an offence proceedings shall not be taken against any person for that offence by any constable or the Department until the end of the 14 days following the date of the notice or such longer period, if any, as may have been specified in the notice.

(4) A notice under this Article shall be in such form as may be prescribed and shall give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information thereof, and shall state also the period during which, by virtue of paragraph (3), proceedings will not be taken for the offence, the amount of the fixed penalty, and the person to whom and the address at which the fixed penalty may be paid.

(5) In this Article "proceedings" means any criminal proceedings in respect of the act constituting the offence specified in the notice under this Article, and "convicted" shall be construed in like manner.

Procedure where person not found at time of offence

200.—(1) Where a constable finds a vehicle on any occasion and has reason to believe that on that occasion there is being or has been committed in respect of it an offence to which Articles 199 to 202 apply, he may proceed under those Articles as if he had found a person reasonably believed by him to be committing the offence, and for that purpose a notice complying with Article 199 (4) may be affixed to the vehicle and shall when so affixed be deemed to be given to the person liable for the offence.

(2) A notice affixed to a vehicle for the purposes of this Article shall not be removed or interfered with except by or under the authority of the driver or person in charge of the vehicle or the person liable for the offence in question; and any person contravening this paragraph shall be guilty of an offence under this Order.

Liability of owner where person not found at time of offence

201.—(1) Where a notice has been affixed to a vehicle under Article 200, the owner of the vehicle at the time of the offence alleged in the notice shall, if without good cause he fails to furnish sufficient information to enable the identity of the person driving or in charge of the vehicle at that time to be ascertained, be deemed to have been in charge of the vehicle at that time and to be the person who committed in respect of the vehicle the act or acts alleged to constitute the offence.

(2) No proceedings shall be taken by virtue of this Article against the owner of a vehicle—

(a) unless within 28 days from the expiration of the period specified in the notice affixed to the vehicle under Article 200 being the period during which proceedings shall not be taken for the offence, he is served with a notice in such form as may be prescribed—

(i) specifying the nature of the offence alleged to have been committed in respect of the vehicle owned by him, and the time and place at which the offence is alleged to have been committed, and

(ii) informing him that he may, within 14 days from the date of the service of the notice, furnish the name and address of the person who was driving, or in charge of, the vehicle at the time of the alleged offence or pay to the person or office specified in the notice the fixed penalty in respect of the alleged offence:

(b) until the expiration of the period of 14 days from the date of the service of the notice.

(3) Any owner who is served with a notice under paragraph (2) shall not be liable to be convicted of the offence alleged in the notice if the fixed penalty is paid in accordance with Article 202 before the expiration of the period of 14 days from the date of the service of the notice or before the date on which a summons for that offence is issued against him, whichever event last occurs.

(4) Nothing in this Article shall operate to relieve the person driving or in charge of the vehicle at the time the offence was committed from liability in respect of that offence, so, however, that where the owner of the vehicle has been convicted of that offence or has paid the fixed penalty in respect thereof no subsequent proceedings shall be brought against any other person in respect of that offence.

(5) In this Article “owner”, in relation to a vehicle, means—

(a) where the vehicle is a vehicle which is on hire from a person whose business includes the hiring of vehicles for reward, the individual to whom the vehicle is on hire or, where the vehicle is on hire to a body corporate, any individual permitted by that body to drive or to have charge of the vehicle at the time of the alleged offence;

(b) where the vehicle, other than a vehicle which is on hire to any person, is registered in the name of a body corporate, any individual permitted by that body to drive or to have charge of the vehicle at the time of the alleged offence;

(c) where the vehicle is registered in the name of a person who, before the date on which the offence is alleged to have been committed, had parted with the ownership and possession of the vehicle and had notified the Department accordingly, the person to whom he had parted with the ownership and possession of the vehicle or, where that person is a body corporate, any individual permitted by that body to drive or to have charge of the vehicle at the time of the alleged offence;

(d) in any other case, the person in whose name the vehicle is registered.

Payment of fixed penalty

202.—(1) Payment of a fixed penalty shall be made to or at the office of the clerk of petty sessions specified in the notice served under Article 199 or Article 201 or affixed to a vehicle under Article 200 or to such other person or to or at such other office as the Department may by order direct.

(2) Sums paid by way of a fixed penalty for any offence to which Articles 199 to 204 apply shall be treated as if they were fines imposed on summary conviction for that offence.

(3) In any proceedings a certificate that payment of a fixed penalty was or was not made by a date specified in the certificate to or at the office of the appropriate clerk of petty sessions or to such other person or to or at such other office as the Department may, by an order made under paragraph (1), direct shall, if the certificate purports to be signed by the clerk of petty sessions or such other person as the Department may by an order made under paragraph (1) direct, be sufficient evidence of the facts stated unless the contrary is proved.

(4) The Department may make regulations prescribing the duties under Articles 199 to 204 of clerks of petty sessions and of persons or offices specified by an order made under paragraph (1) and the information to be supplied to them.

Amount of fixed penalty

203.—(1) The fixed penalty for an offence to which Articles 199 to 204 apply shall, subject to paragraph (2), be £6 or one-half of the maximum amount of the fine to which a person not previously convicted is liable on summary conviction of the offence, whichever is the less.

(2) The Department may by order made subject to affirmative resolution provide for the fixed penalty to be in any case more or less than £6 (but not more than one-half of the maximum amount of the fine to which a person not previously convicted is liable on summary conviction of the offence).

References in proceedings to notices and fixed penalties under Articles 199 to 203

204. In any proceedings for an offence to which Articles 199 to 203 apply, other than proceedings brought by virtue of Article 201 against the owner of a vehicle, no reference shall be made to the giving or affixing of any notice under those Articles, or to the payment or non-payment of a fixed penalty under those Articles unless in the course of the proceedings or in some document which is before the court in connection with the proceedings reference has been made by or on behalf of the accused to the giving or affixing of such a notice or, as the case may be, to such a payment or non-payment.

PART XIV

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

General law relating to carriages to apply to motor vehicles

205. Every motor vehicle and every trailer shall be deemed to be a carriage within the meaning of any enactment and, if used as a carriage of a particular class, shall for the purposes of any enactment relating to carriages of any particular class be deemed to be a carriage of the first-mentioned class.

Weighing of motor vehicles, etc.

206.—(1) Subject to paragraph (2) and to any regulations made by the Department, a constable or a person authorised by the Department may require the person in charge of a motor vehicle to allow the vehicle or any trailer drawn

by the vehicle to be weighed, either laden or unladen, and the weight transmitted to the road by any part 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.

(2) No constable or other person authorised by the Department for the purposes of paragraph (1) may require the person in charge of a motor vehicle to unload the vehicle or trailer, or to cause or allow it to be unloaded, for the purpose of its being weighed unladen.

(3) If at the time when the requirement under paragraph (1) to proceed to a weighbridge or other machine is made the vehicle is more than one mile from the weighbridge or other machine and the weight is found to be within the limits authorised by law, the Department shall pay, in respect of loss occasioned, such amount as in default of agreement may be determined by a single arbitrator appointed by the parties or in default of agreement appointed by the Head of the Department.

(4) Any person who fails to comply with a requirement made under paragraph (1) shall be guilty of an offence under this Order.

(5) Where a motor vehicle or trailer is weighed under this Article a certificate of weight shall be given to the person in charge of the vehicle and the certificate so given shall exempt the vehicle and trailer from again being weighed for so long as it continues on the same journey as that on which it was engaged at the time of the request and is carrying the same load as it was carrying at that time.

(6) The Department may erect and maintain weighbridges or other machines for weighing vehicles, or contribute towards the cost of the erection and maintenance of any such weighbridge or other machine by any other authority or person.

Driver of motor vehicle deemed to be servant or agent of owner in civil proceedings

207. Where any proceedings arising out of an accident involving a motor vehicle are instituted against the owner of the vehicle for damages in respect of the negligent driving, control or management of the vehicle and it is shown that at the time of the accident the vehicle was being driven, or in the charge of, some person other than the owner of the vehicle, then that other person shall be deemed, until the contrary is proved, to have been acting as the servant or agent of the owner at the time when the accident occurred.

Inquiries and applications

208. The provisions of Schedule 5 shall have effect in relation to any inquiries or applications authorised by any provision of this Order, and section 23 of the Interpretation Act (Northern Ireland) 1954 shall not apply in relation to any such inquiry or application.

Power to prohibit or restrict use of vehicles on certain bridges

209.—(1) Where the bridge authority of any bridge carrying a public road is satisfied that the bridge is insufficient to bear vehicles of which the weights or axle weights, as defined in paragraph (5), exceed certain limits, the authority may by a conspicuous notice in the prescribed form placed in a proper position at each end of the bridge prohibit the use of the bridge either—

(a) by any vehicle of which the weight exceeds a maximum weight specified in the notice; or

(b) by any vehicle of which—

(i) the weight exceeds a maximum weight so specified; or

(ii) any axle weight exceeds a maximum axle weight so specified;

and any such notice may, as regards both weight of vehicle and axle weight, specify different maximum weights in relation to a vehicle travelling at a speed less than a speed specified in the notice, and in relation to a vehicle travelling at that speed or any greater speed.

(2) The Department shall, in respect of any road leading to a bridge, give to the bridge authority reasonable facilities for placing on the road any notice under paragraph (1) and, if the Department so requires, the bridge authority shall erect warning notices in the prescribed form at the principal junctions of roads leading to the bridge.

(3) Before placing a restriction or prohibition or varying or revoking a restriction or prohibition under this Article on the use of a bridge carrying a public road the bridge authority (where it is not the Department) shall give the Department 28 days' notice of its intention to do so with particulars of the restriction or prohibition or the variation or revocation of the restriction or prohibition.

(4) The Department shall cause a list to be kept of all restrictions or prohibitions which have been placed on the use of bridges under this Article and the list shall be open to inspection by any person.

(5) For the purposes of this Article—

(a) "weight" means weight laden;

(b) the weight transmitted by a vehicle to any transverse strip of road surface 5 feet in breadth shall be taken as being an "axle weight" of that vehicle and, for the purposes of this sub-paragraph a vehicle and any trailer drawn by it shall be deemed to be a single vehicle; and

(c) "placed in a proper position" means placed in such a position either on or near the bridge, or on or near the road leading to the bridge, as to be visible at a reasonable distance from the bridge to the drivers of vehicles approaching it.

(6) If, without the consent of the bridge authority, a vehicle is driven across a bridge in contravention of a notice placed in accordance with paragraph (5) (c), any person who so drives the vehicle, or causes or permits it to be so driven, shall be liable to make good to the bridge authority any damage caused to the bridge and shall, in addition and without prejudice to such liability, be guilty of an offence under this Order.

(7) If on any prosecution or proceedings under paragraph (6) the court is satisfied that there are reasonable grounds for believing that the weight of the vehicle exceeded the maximum weight specified in the notice, or that any axle weight of the vehicle exceeded the maximum axle weight so specified, it shall lie on the defendant to prove that the weight of the vehicle or every axle weight of the vehicle, as the case may be, did not exceed such maximum weight or maximum axle weight.

(8) Any person or body of persons aggrieved by a restriction or prohibition placed on the use of a bridge under this Article may at any time apply to the Department for an order modifying or removing the restriction or prohibition.

(9) On receiving an application under paragraph (8), the Department may cause the bridge to be inspected, and may require the bridge authority to give to

the inspector such information as to its structure and condition, and such other facilities for his investigation of the circumstances, as the bridge authority may be able to give; and may, if it thinks proper, after considering the report of the inspector and any representations made by it to the bridge authority, make an order modifying or removing the restriction or prohibition, or imposing different restrictions; and the bridge authority shall, within such time as may be specified in the order, cause notices to be erected in compliance with the order.

(10) The Department may at any time on an application made to it by the bridge authority, or without such an application, vary or revoke any order made by it under paragraph (9), if it is satisfied that it is proper so to do.

(11) Where the Department is the bridge authority, any person or body of persons aggrieved by a restriction or prohibition placed on the use of a bridge under this Article, may at any time make application to the Department for the modification or removal of the restriction or prohibition and the Department after considering the application may, if it thinks fit, modify or remove the restriction or prohibition.

Power to authorise on specified roads carriage of greater weights

210.—(1) Subject to paragraph (2), the Department or a bridge authority may, as respects any public road or bridge, for the maintenance of which it is responsible grant (subject to such conditions, if any, as it thinks fit) a permit in writing authorising any vehicle specified in the permit to carry on the road, or bridge, weights so specified notwithstanding that when conveying such weights the vehicle does not comply with any regulations as to the laden weight of vehicles or as to the maximum weight which may be transmitted to the road or any part of the road by vehicles, and it shall not, so long as the conditions, if any, attached to the permit are complied with, be an offence against those regulations for any person to use or to cause or permit the specified vehicle to be used for the carriage on that road or bridge of weights authorised by the permit.

(2) Where the Department is responsible for the maintenance of a public road passing over a bridge but not for the maintenance of the bridge itself, the power conferred by paragraph (1) shall be exercisable by the bridge authority and not by the Department.

Regulation of cycle racing on roads

211.—(1) A person who promotes or takes part in a race or trial of speed on a public road between pedal cycles shall, unless the race or trial is authorised, and is conducted in accordance with any conditions imposed under regulations made under paragraph (2), be guilty of an offence under this Order.

(2) The Department may by regulations authorise, or provide for authorising, for the purposes of paragraph (1), the holding on a public road of races or trials of speed of any class or description, or a particular race or trial of speed, in such cases as may be prescribed and subject to such conditions as may be imposed under the regulations, and may prescribe the procedure to be followed, and the particulars to be given, in connection with applications for authorisation under the regulations.

(3) Without prejudice to any other powers exercisable in that behalf, the Chief Constable may give such directions with respect to the movement of, or the route to be followed by, vehicular and other traffic, during such period, as may be necessary or expedient to prevent or mitigate congestion or obstruction of

traffic, or danger to or from traffic, in consequence of the holding of a race or trial of speed authorised under regulations under paragraph (2), including a direction that any road or part of road specified in the direction shall be closed during any such period to such traffic or to such classes or descriptions of traffic as may be so specified.

(4) Any person who wilfully contravenes any direction given under paragraph (3) shall be guilty of an offence under this Order.

(5) This Article shall not apply to a race on the Dundrod Circuit as defined in Article 2 (2) of the Road Races (Northern Ireland) Order 1977 (a).

Application of Order to hovercraft and trolley vehicles

212.—(1) For the purposes of this Order, a hovercraft—

(a) shall be a motor vehicle, whether or not it is adapted or intended for use on roads; but

(b) shall be treated, subject to paragraph (2), as not being a vehicle of any of the classes defined in sub-paragraphs (a) to (g) of Article 37 (1).

(2) The Department may by regulations provide—

(a) that any provision of this Order, which would otherwise apply to hovercraft, shall not apply to them or shall apply to them subject to such modifications as may be specified in the regulations;

(b) that any such provision, which would not otherwise apply to hovercraft, shall apply to them subject to such modifications, if any, as may be specified in the regulations.

(3) The following provisions of this Order, that is to say—

Part II;

Article 24;

so much of Article 28 as authorises the Department to make regulations with respect to the maximum speed of motor vehicles;

Articles 38 to 49;

Article 57;

Articles 70 to 79;

Articles 139, 141, 153, 155, 157, 166 to 168, 169 (2), 171, 172, 175 to 177, 180, 184, 185, 191, 193 to 197 and Schedule 4;

together with so much of the other provisions of this Order as relate to those provisions shall, without prejudice to the operation of Article 205, apply in relation to trolley vehicles and the drivers of trolley vehicles as they apply in relation to heavy motor cars and the drivers of heavy motor cars.

(4) Paragraph (3) shall have effect notwithstanding section 7 of the Belfast Corporation Act (Northern Ireland) 1930 (b).

Application of Order to invalid carriages

213.—(1) The Department may by regulations provide that in the case of a vehicle which is an invalid carriage complying with the prescribed requirements and which is being used in accordance with the prescribed conditions—

(a) S.I. 1977/2155 (N.I. 26).

(b) 1930 c. ii.

- (a) no statutory provision prohibiting or restricting the use of footways shall prohibit or restrict the use of that vehicle on a footway;
 - (b) if the vehicle is mechanically-propelled, it shall be treated for such purposes of this Order as may be prescribed as not being a motor vehicle.
- (2) In this Article—
- “invalid carriage” means a vehicle whether mechanically-propelled or not, constructed or adapted for use for the carriage of one person, being a person suffering from some physical defect or disability; and
- “footway” means a way over which the public have a right of way on foot only.

Application of Order to the Crown

214.—(1) The Department may make regulations exempting from the provisions of this Order, or of any regulation made under this Order, vehicles owned or used by or for the purposes of any service of the Crown, and persons driving such vehicles, and for making such modifications of those provisions as appear to the Department to be necessary for the purposes of any such exemption.

(2) References in paragraph (1) to vehicles owned or used by or for the purposes of any service of the Crown, and to persons driving such vehicles, shall include references to vehicles used for the purposes of the Civil Defence Acts (Northern Ireland) 1938 to 1950, and to persons driving such vehicles.

(3) Subject to the foregoing paragraphs, the provisions of this Order, other than the provisions of Articles 53 to 58 and Part VIII, shall bind the Crown.

Application of Order in relation to harbour commissioners

215.—(1) Except to the extent provided by this Article and by Article 216 the provisions of this Order shall not have effect in relation to the Belfast Harbour Commissioners or other harbour commissioners having in relation to their harbour area powers similar to those of the Belfast Harbour Commissioners for restricting access to, and regulating motor traffic on, roads, and no road vested in, or under the control of, any such harbour commissioners shall be deemed for the purpose of this Order to be a road to which the public has access.

(2) A road vested in or under the control of the Belfast Harbour Commissioners or any such other harbour commissioners shall be deemed for the purposes of the following provisions of this Order to be a road to which this Order applies—

- (a) Articles 38 to 49 and Article 170;
- (b) Article 139;
- (c) Articles 141 and 142;
- (d) Article 153;
- (e) Articles 155 and 157;
- (f) Article 162;
- (g) Article 171;
- (h) Article 172;
- (i) Article 175.

(3) For the purpose of the said provisions as applied by this Article to a road in the Belfast Harbour Estate a member of the Belfast Harbour Police shall have the same powers as a member of the Royal Ulster Constabulary has in relation to other roads.

(4) Where within the estate of the Belfast Harbour Commissioners an accident occurs involving the driver of a motor vehicle who if the accident had occurred elsewhere would have been under a duty to report it at a police station or to a constable that driver shall report the accident at a Belfast Harbour police station or to a Belfast Harbour police constable.

Application of speed limits to Belfast Harbour Estate

216.—(1) Where the Belfast Harbour Commissioners resolve that any length of road within their jurisdiction under or by virtue of the Belfast Harbour Acts 1847 to 1950 should be a restricted road within the meaning of this Order, the Department may, subject to the provisions of this Article and to such conditions as may be specified in the order, make an order under Article 50 (4) (c) (i) deeming that road to be such a restricted road and, except as provided by paragraphs (2) and (3) of this Article, the provisions of paragraphs (1) and (4) of Article 50 shall have effect accordingly in relation to such road.

(2) Where an order is made pursuant to paragraph (1) deeming a length of road within the jurisdiction of the Belfast Harbour Commissioners to be a restricted road, that order and any order made under Article 50 (4) (a) or (b) with respect to that length of road shall not be subject to the provisions of paragraph (5) or paragraph (6) of Article 50, but shall be subject to the provisions of paragraph (2) of Article 218.

(3) Where such an order is made, paragraphs (7) and (8) of Article 50 shall apply to the Belfast Harbour Commissioners as they apply to the Department; but paragraph (9) of that Article shall not have effect in relation to the Commissioners.

(4) Nothing in any such order shall prejudice or affect any power of the Belfast Harbour Commissioners under the Belfast Harbour Acts 1847 to 1950 to make and enforce bye-laws.

Savings

217.—(1) Nothing in this Order shall authorise any person to use on any road any vehicle so constructed or used as to cause a public or private nuisance, or shall affect any liability of the driver or owner of a vehicle whether under statute or common law.

(2) The provisions of this Order relating to public service vehicles shall, except as is otherwise expressly provided by this Order, be in addition to and not in derogation of any other enactment (including this Order) applicable to motor vehicles or to any class of such vehicles.

(3) Nothing in Article 53 (3) (b) or 55 shall be taken to authorise the carriage for reward of any passengers or any luggage or goods contrary to Parts II and III of the Transport Act (Northern Ireland) 1967 (a).

(4) Nothing in this Order shall prejudice or affect any powers exercisable by Order in Council under section 2 of the Motor Vehicles (International Circulation) Act 1952 (b).

(5) Schedule 6 (which contains further savings) shall have effect.

(a) 1967 c. 37 (N.I.).

(b) 1952 c. 39.

General provisions as to regulations

218.—(1) The Department may make regulations prescribing anything which is to be prescribed and providing for any matter in regard to which regulations may be made under the provisions of this Order.

(2) Save as is otherwise expressly provided by this Order, all regulations and orders made under this Order shall be subject to negative resolution.

(3) Without prejudice to the provisions of section 17 (3) of the Interpretation Act (Northern Ireland) 1954, any regulations made under this Order may be of a local, as opposed to public general, nature and may be limited in their application to a particular area.

Transitional provisions

219.—(1) For the purposes of any provision of this Order relating to a second or any subsequent offence, an offence committed under any statutory provision which is repealed and replaced by this Order shall be deemed to have been committed under the replacing provision of this Order as if that replacing provision had been in force at all material times.

(2) Any reference in any document (whether express or implied) to a statutory provision repealed by this Order shall, except where the context otherwise requires, be construed as, or as including, a reference to the corresponding provision of this Order.

(3) Any period of disqualification imposed under any statutory provision repealed by this Order shall, if that period is current on the date of the commencement of the corresponding provision of this Order, be deemed to have been imposed under that corresponding provision.

(4) Where a period of time specified in any statutory provision repealed by this Order is current at the commencement of the corresponding provision of this Order, that provision of this Order shall have effect as if it had been in force when that period began to run.

(5) Any reference in this Order (whether express or implied) to a thing done or falling to be done, or omitted to be done, or to an event which has occurred, under or for the purposes of or by reference to a provision of this Order shall, except where the context otherwise requires, be construed as including a reference to the corresponding thing done or falling to be done, or omitted, or to the corresponding event which occurred, as the case may be, under or for the purposes of or by reference to the corresponding provision of the statutory provisions repealed by this Order.

(6) Any reference in this Article to a statutory provision repealed (or repealed and replaced) by this Order includes a reference to a statutory provision repealed by the Road Traffic Act (Northern Ireland) 1970 (a).

(7) Nothing in this Article shall prejudice the operation of the Interpretation Act (Northern Ireland) 1954 in relation to this Order.

(a) 1970 c. 2 (N.I.).

Amendments and repeals

220.—(1) The statutory provisions specified in Schedule 7 shall have effect subject to the amendments there specified, being amendments consequential on this Order.

(2) The statutory provisions set out in Schedule 8 are hereby repealed to the extent specified in the third column of that Schedule.

N. E. Leigh,
Clerk of the Privy Council.

SCHEDULES

Article 84.

SCHEDULE 1

STATUTORY PROVISIONS CONFERRING FUNCTIONS ON AUTHORISED OFFICERS

<i>Statutory provision</i>	<i>Function conferred</i>
The Public Service Vehicles and Goods Vehicles (Drivers' Hours of Duty) Regulations 1935 (a) and any regulations made under Article 56 or 58.	To examine records required to be kept by licensees and drivers of public service vehicles and goods vehicles.
Sections 37, 38 and 39 of the Transport Act (Northern Ireland) 1967 (b).	To enter and inspect public service vehicles and goods vehicles, to inspect and copy documents required to be carried on such vehicles and to seize certain articles.
Article 35.	To test motor vehicles on roads, etc.
Article 57.	To enter and inspect goods vehicles and to require the production of documents.
Article 64.	To examine public service vehicles.
Article 68.	To examine large private passenger vehicles.
Article 82.	To require production of and to inspect and copy books, records or documents which a person is required by the applicable Community rules to carry or have in his possession.
Article 206.	To require a motor vehicle or any trailer drawn by a motor vehicle to be weighed.
Regulations 11 and 12 of the European Communities (International Passenger Services) Regulations (Northern Ireland) 1973 (c).	To require production of, and to inspect and copy, documents.

(a) S.R. & O. (N.I.) 1935 No. 22. (b) 1967 c. 37 (N.I.).
(c) S.R. & O. (N.I.) 1973 No. 212.

STATUTORY PROVISIONS RELATING TO VEHICLES AND THEIR DRIVERS

<i>Statutory provision</i>	<i>Effect</i>
Section 4 of the Transport Act (Northern Ireland) 1967.	To require users of motor vehicles carrying passengers and their luggage for reward to hold road service licences.
Section 17 of the Transport Act (Northern Ireland) 1967.	To require users of certain goods vehicles to hold road freight vehicle licences unless exempted from doing so.
Regulations under section 45 (f) and (j) of the Transport Act (Northern Ireland) 1967.	To require documents, plates and marks to be carried in or by certain public service vehicles.
Any order under section 100 (2) of the Transport Act 1968 (a).	To give effect in Northern Ireland to international agreements relating to vehicles used on international journeys.
Regulations under Article 28.	To regulate the construction, weight, equipment and use of motor vehicles and trailers on roads.
Articles 38 to 42 and 45 to 49 and regulations made thereunder.	To require vehicles to carry front and rear lamps, headlamps and reflectors, to regulate their position, character and use and to make special provision for vehicles carrying overhanging or projecting loads and vehicles towing and being towed.
Article 56 and regulations made thereunder and the applicable Community rules.	To limit driving time and periods of duty of drivers of goods vehicles and public service vehicles and to provide for the installation of recording equipment in, and the keeping of records on, such vehicles.
Regulation 5 of the European Communities (International Passenger Services) Regulations (Northern Ireland) 1973.	To give effect to Articles 1, 2 and 6 of the Council Regulation No. 117/66, which relate to the use of vehicles to provide a service for the carriage of passengers.

(a) 1968 c. 73.

SUPPLEMENTARY PROVISIONS IN CONNECTION WITH PROCEEDINGS
FOR OFFENCES UNDER ARTICLE 165

1.—(1) A person against whom proceedings are brought, for an offence under paragraph (1) of Article 165 shall, upon complaint on oath and in writing made to a justice of the peace having jurisdiction in the area in which the proceedings are brought and on giving to the prosecution not less than 7 days' notice of his intention, be entitled to have any person to whose act or default in Northern Ireland he alleges that the contravention of that paragraph was due brought before the court in the proceedings; and if, after the contravention has been proved, the original accused proves that the contravention was due to such act or default of that other person, that other person may be convicted of the offence and, if the original accused further proves that he has used all due diligence to avoid the commission of an offence under that paragraph, he shall be acquitted of the offence.

(2) Where an accused seeks to avail himself of the provisions of sub-paragraph (1)—

(a) the prosecution, as well as the person whom the accused charges with the offence, shall have the right to cross-examine him, if he gives evidence, and any witness called by him in support of his pleas, and to call rebutting evidence;

(b) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings to any other party to the proceedings.

(3) Where it appears that an offence under Article 165 has been committed in respect of which proceedings might be taken against some person (in this Schedule referred to as "the original offender"), and a person proposing to take proceedings in respect of the offence is reasonably satisfied that the offence of which complaint is made was due to an act or default of some other person, being an act or default which took place in Northern Ireland, and that the original offender could establish a defence under sub-paragraph (1), the proceedings may be taken against that other person without proceedings first being taken against the original offender.

In any such proceedings the accused may be charged with, and on proof that the contravention was due to his act or default be convicted of, the offence with which the original offender might have been charged.

2.—(1) Subject to the provisions of this paragraph, in any proceedings for an offence under Article 165 it shall be a defence for the accused to prove—

(a) that he purchased the headgear in question as being of a type which under Article 165 could be lawfully sold or offered for sale, and with a written warranty to that effect; and

(b) that he had no reason to believe at the time of the commission of the alleged offence that it was not of such a type; and

(c) that it was then in the same state as when he purchased it.

(2) A warranty shall only be a defence in any such proceedings if—

(a) the accused—

(i) has, not later than 7 days before the date of the hearing, sent to the prosecutor a copy of the warranty with a notice stating that he intends to rely on it and specifying the name and address of the person from whom he received it, and

(ii) has also sent a like notice of his intention to that person; and

(b) in the case of a warranty given by a person resident outside Northern Ireland, the accused proves that he had taken reasonable steps to ascertain, and did in fact believe in, the accuracy of the statement contained in the warranty.

(3) Where the accused is a servant of the person who purchased the headgear in question under a warranty, he shall be entitled to rely on the provisions of this paragraph in the same way as his employer would have been entitled to do if he had been the accused.

(4) The person by whom the warranty is alleged to have been given shall be entitled to appear at the hearing and to give evidence, and the court may, if it thinks fit, adjourn the hearing to enable him to do so.

3.—(1) An accused who in any proceedings for an offence under Article 165 wilfully applies to a headgear a warranty not given in relation to that headgear shall be guilty of an offence under this Order.

(2) A person who, in respect of a headgear sold by him, being a headgear in respect of which a warranty might be pleaded under paragraph 2, gives to the purchaser a false warranty in writing, shall be guilty of an offence under this Order, unless he proves that when he gave the warranty he had reason to believe that the statements or description contained in the warranty were accurate.

(3) Where the accused in a prosecution for an offence under Article 165 relies successfully on a warranty given to him or to his employer, any proceedings under subparagraph (2) in respect of the warranty may, at the option of the prosecutor, be taken either before a court having jurisdiction in the place where the headgear, or any of the headgears, to which the warranty relates was procured, or before a court having jurisdiction in the place where the warranty was given.

Article 193.

SCHEDULE 4

TABLE OF OFFENCES, WITH MODE OF PROSECUTION AND PUNISHMENTS

Article of Order	General Nature of Offence	Mode of Prosecution	Punishment
3	Driving, or causing or permitting a person to drive, a motor vehicle on a road without a driving licence or a provisional licence.	Summary	A fine of £100.
5	Failure to comply with conditions or restrictions of full licence treated as provisional licence.	Summary	A fine of £100.
7	Failure of licence holder to notify Department of relevant disease or physical disability.	Summary	A fine of £100.
8	Failure to comply with conditions of provisional or special provisional licence.	Summary	A fine of £100.
9	Exceeding speed limit in vehicle required to display or displaying learner-driver's mark.	Summary	(i) Where the mark is required to be displayed, a fine of £100. (ii) Where the mark is not required to be displayed, a fine of £20.
13	Failure to deliver up driving licence or provisional licence for cancellation.	Summary	A fine of £100.
15	Failure to comply with restriction on restricted drivers.	Summary	A fine of £100.
16	Exceeding speed limit in vehicle displaying restricted driver's mark where the mark is not required to be displayed.	Summary	A fine of £20.

Article of Order	General Nature of Offence	Mode of Prosecution	Punishment
17	Failure to produce to court driving licence or provisional licence granted in Great Britain.	Summary	A fine of £100.
20	Contravention of rule of road or overtaking incorrectly.	Summary	A fine of £100.
21	Contravention of an order controlling movement of, and waiting by, traffic.	Summary	A fine of £100.
22	Using or causing or permitting a vehicle to be used on a road restricted by order under Article 22 in contravention of the order.	Summary	A fine of £100.
24	Using or causing or permitting a vehicle to be used in contravention of a restriction or prohibition imposed under Article 24.	Summary	A fine of £50.
25	Using or causing or permitting a vehicle to be used in contravention of a restriction or prohibition imposed under Article 25.	Summary	A fine of £50.
29	Using, or causing or permitting to be used, motor vehicle or trailer on road when not complying with regulations as to construction and use.	Summary	<p>In the case of an offence of using or causing or permitting the use of a goods vehicle—</p> <p>(a) so as to cause, or to be likely to cause, danger by the condition of the vehicle or its parts or accessories, the number of passengers carried by it, or the weight, distribution, packing or adjustment of its load; or</p> <p>(b) in breach of a construction and use requirement as to brakes, steering-gear, tyres or any description of weight; or</p>

Article of Order	General Nature of Offence	Mode of Prosecution	Punishment
			<p>(c) for any purpose for which it is so unsuitable as to cause or to be likely to cause danger— A fine of £400. In the case of an offence of carrying on a goods vehicle a load, which by reason of its insecurity or position, is likely to cause danger, a fine of £400. In any other case, a fine of £100.</p>
30	Selling, etc., motor vehicle not complying with regulations as to construction and use or altering vehicle so as not to so comply.	Summary	A fine of £200.
31 (1)	Fitting of defective or unsuitable vehicle parts.	Summary	A fine of £200.
31 (3)	Selling defective or unsuitable vehicle parts.	Summary	A fine of £200.
31 (6)	Obstructing officer testing vehicles to ascertain whether defective or unsuitable part has been fitted, etc.	Summary	A fine of £100.
32	Obstructing authorised officer testing condition of used vehicle at sale rooms, etc.	Summary	A fine of £50.
34	Using, or causing or permitting to be used, motor vehicle on a road or other public place without vehicle test certificate.	Summary	A fine of £100.
35	Obstructing authorised officer carrying out roadside examination or failure to comply with requirement made by an authorised officer.	Summary	A fine of £50.

Article of Order	General Nature of Offence	Mode of Prosecution	Punishment
36 (5)	Driving, or causing or permitting to be driven, vehicle in contravention of prohibition on driving it as being defective.	Summary	In the case of a goods vehicle, a fine of £400.
36 (6)	Obstructing authorised officer issuing prohibition notice.	Summary	In the case of any other vehicle, a fine of £100.
47	Causing or permitting vehicle to be on road contrary to provisions as to lighting of vehicles.	Summary	A fine of £50.
53	Using goods vehicle on road without goods vehicle certificate.	Summary	A fine of £100.
55	Driver of goods vehicle allowing unauthorised persons in vehicle; unauthorised person being carried in goods vehicle.	Summary	A fine of £200.
56	Driver of goods vehicle allowing unauthorised persons in vehicle; unauthorised person being carried in goods vehicle.	Summary	A fine of £100.
56	Driving, or causing or permitting the driving of, goods vehicle in excess of prescribed hours.	Summary	A fine of £200.
57	Obstruction of inspector of vehicles.	Summary	A fine of £200.
59	Public service vehicle plying for hire where driver or conductor not licensed under Article 70.	Summary	A fine of £50.
60	Public service vehicle plying for hire where driver or conductor not licensed under Article 70.	Summary	A fine of £100.
60	Public service vehicle plying for hire when not licensed under Article 61.	Summary	A fine of £200.
62 (2)	Permitting overcrowding on public service vehicle.	Summary	A fine of £50.

Article of Order	General Nature of Offence	Mode of Prosecution	Punishment
62 (4)	Failure to produce to court licence granted under Article 61 or 70.	Summary	A fine of £100.
64	Owner of public service vehicle failing to provide alternative transport.	Summary	A fine of £100.
66	Contravention of Community provision as to keeping or production of documents.	Summary	A fine of £20.
67	Using large private passenger vehicle without certificate of inspection.	Summary	A fine of £100.
70	Driving or acting as conductor of public service vehicle without licence under Article 70.	Summary	A fine of £100.
71	Driving, or causing or permitting a person to drive, heavy goods vehicle without licence under Article 72 or 73.	Summary	A fine of £100.
75 (3)	Contravention of prescribed conditions of heavy goods vehicle driver's licence or licence issued under Article 73.	Summary	A fine of £100.
75 (4)	Causing or permitting a person under 21 years to drive heavy goods vehicle in contravention of conditions of heavy goods vehicle driver's licence.	Summary	A fine of £100.
81 (1)	Driving, or causing or permitting the driving of, motor vehicle in contravention of applicable Community rules as to periods of driving, etc.	Summary	A fine of £50.

Article of Order	General Nature of Offence	Mode of Prosecution	Punishment
81 (2)	Contravention of requirement of applicable Community rules as to books, records or documents.	Summary	A fine of £50.
81 (3)	Making, or causing to be made, false entry in book, record or document kept for purposes of applicable Community rules.	Summary	A fine of £50.
82	Failure to produce, etc., books, records or documents; obstructing inspector of vehicles.	Summary	A fine of £50.
86	Driving, or causing or permitting the driving of, vehicle in contravention of a prohibition under Article 84, or refusing, neglecting or otherwise failing to comply with a direction given under Article 84 (3).	Summary	A fine of £200.
90	Driving, or causing or permitting a person to drive, motor vehicle while uninsured.	(a) Indictment (b) Summary	(a) or (b)—a fine of £200.
95	Failure to surrender certificate on cancellation of insurance policy or security.	Summary	A fine of £50.
96	Failure of person against whom claim made to give information as to insurance or security.	Summary	A fine of £200.
97	Failure to give information or to produce certificate, or making false reply or false statement as to insurance.	Summary	A fine of £200. NOTE: <i>If in any case the offence consists only in failure to produce a certificate of insurance or security the punishment is that provided for an offence under Article 180 (4).</i>

Article of Order	General Nature of Offence	Mode of Prosecution	Punishment
115 (1)	Parking, etc., vehicles in parking places on roads where charges made, contrary to bye-laws under Article 107, and otherwise contravening those bye-laws.	Summary	A fine of £20.
115 (3)	Interfering, etc., with parking meter.	Summary	A fine of £50.
116	Public service vehicle plying for hire, etc., in parking place.	Summary	A fine of £25.
123	Failure to carry, cause to be carried or erect warning devices indicating temporary obstructions.	Summary	A fine of £50.
124	Failure to provide warning of roadworks.	Summary	A fine of £100.
126	Interference with or damage to traffic signs.	Summary	A fine of £100.
127	Placing, etc., unauthorised traffic signs, etc.	Summary	A fine of £100.
129	Driving or riding motor cycle without protective headgear.	Summary	A fine of £50.
132 (3)	Taking, etc., title implying registration as driving instructor.	Summary	A fine of £200.
132 (5)	Making of false statement, etc., to obtain registration, etc., as driving instructor.	Summary	A fine of £200.
133	Giving of paid driving instruction by unregistered or unlicensed persons or their employers.	Summary	A fine of £200.

Article of Order	General Nature of Offence	Mode of Prosecution	Punishment
136	Failure to surrender certificate or licence within 14 days of notice.	Summary	A fine of £50.
137	Failure to produce certificate of registration or licence as driving instructor.	Summary	A fine of £50.
139 (1)	Causing death, etc., by reckless driving.	Indictment	A fine or imprisonment for 5 years or both.
139 (2)	Reckless driving.	(a) Indictment (b) Summary	(a) A fine or imprisonment for 2 years or both. (b) A fine of £1,000 or imprisonment for 6 months or both.
141	Driving, etc., or being in charge of motor vehicle under influence of drink or drugs.	(a) Indictment (b) Summary	(a) A fine or imprisonment for 3 years or both. (b) A fine of £200 or imprisonment for 12 months or both.
			<p>NOTE: <i>If within 10 years of commission of offence accused has been convicted on two or more occasions of an offence under Article 141 (within the meaning of Article 151), the punishment is imprisonment for not less than 6 months nor more than the maximum sentence which the convicting court is empowered to impose.</i></p>
142	Driving, etc., or being in charge of horse-drawn vehicle or pedal cycle under influence of drink or drugs.	Summary	A fine of £50.
144	Failure to provide specimen of blood or urine, etc.	As for offence under Article 141	As for offence under Article 141.

Article of Order	General Nature of Offence	Mode of Prosecution	Punishment
145	Driving, etc., or being in charge of vehicle with alcohol concentration over limit.	(a) Indictment (b) Summary	(a) A fine or imprisonment for 2 years or both. (b) (i) On first conviction, a fine of £100 or imprisonment for 4 months or both. (ii) On second or subsequent conviction within 5 years of an earlier conviction under Article 145 (within the meaning of Article 151), a fine of £100 or imprisonment for 6 months or both.
146	Failure to provide specimen of breath.	Summary	A fine of £50.
147	Failure to provide specimen of blood or urine for purpose of Article 145.	As for offence under Article 145.	As for offence under Article 145.
153	Careless driving.	Summary	A fine of £500.
154 (1)	Driving with uncorrected defective eyesight.	Summary	A fine of £100.
154 (2)	Refusal to submit to test to ascertain whether offence committed under Article 154 (1).	Summary	A fine of £100.
155	Exceeding speed limit.	Summary	A fine of £100.
156	Exceeding temporary or experimental speed limit.	Summary	A fine of £100.
157	Incitement to exceed speed limit under Article 155 or 156.	Summary	A fine of £100.
158	Contravention of traffic directions.	Summary	A fine of £100.
160	Unlawful carriage of passengers on motor cycles.	Summary	A fine of £50.

Article of Order	General Nature of Offence	Mode of Prosecution	Punishment
161	Unlawful carriage of passengers on pedal cycles.	Summary	A fine of £50.
162	Pedestrian or pedal cyclist endangering own or other's safety.	Summary	A fine of £50.
163	Causing or permitting dog without lead to be on designated road.	Summary	A fine of £20.
164	Passing incorrectly with led horse.	Summary	A fine of £20.
165	Selling unapproved protective headgear for motor cyclists.	Summary	A fine of £100.
166 (1) (a)	Applying for or obtaining driving licence or provisional licence while disqualified by reason of being under age.	Summary	A fine of £100.
166 (1) (b)	Applying for or obtaining driving licence or provisional licence while otherwise disqualified.	Summary	A fine of £100.
167 (1) (a)	Driving motor vehicle while disqualified by reason of being under age.	Summary	A fine of £100.
167 (1) (b)	Driving motor vehicle while otherwise disqualified.	(a) Indictment (b) Summary	(a) A fine or imprisonment for 1 year or both. (b) A fine of £1,000 or imprisonment for 6 months or both.
167 (3)	Causing or permitting a person to drive while under age.	Summary	A fine of £100.

Article of Order	General Nature of Offence	Mode of Prosecution	Punishment
169 (1)	Failure to produce driving licence or provisional licence for endorsement.	Summary	A fine of £100.
169 (2)	Applying for or obtaining unendorsed driving licence or provisional licence when not entitled to obtain such a licence.	Summary	A fine of £100.
170	Selling reflector not complying with Articles 38 to 46 or regulations under Article 49.	Summary	A fine of £50.
171 (1)	Vehicle causing obstruction.	Summary	A fine of £100.
171 (4)	Obstructing or impeding, etc., removal of vehicle under Article 171 (2).	Summary	A fine of £100.
172	Taking vehicle without owner's consent:— Where vehicle is a pedal cycle Where vehicle is a vehicle other than a pedal cycle	Summary (a) Indictment (b) Summary	A fine of £100. (a) A fine or imprisonment for 1 year or both. (b) A fine of £1,000 or imprisonment for 6 months or both.
173	Tampering, etc., with motor vehicle or its equipment.	Summary	A fine of £100.
174 (1)	Making false or misleading statements, furnishing false or misleading particulars or withholding material information in connection with applications for licences or certificates under this Order or for obtaining certificate of insurance or security or issuing false certificate of insurance or security.	Summary	A fine of £200.

Article of Order	General Nature of Offence	Mode of Prosecution	Punishment
174 (2)	Forgery or fraudulently altering, etc., identification marks, badges, licences, certificates or certificate of insurance, etc.	(a) Indictment (b) Summary	(a) A fine or imprisonment for 2 years or both. (b) A fine of £1,000 or imprisonment for 6 months or both.
175	Failure to comply with duties on occurrence of accident caused by a motor vehicle.	(a) Indictment (b) Summary	(a) or (b) (i) If injury is caused to any person as a result of accident in respect of which this offence is committed— A fine of £100 or imprisonment for 6 months or both. (ii) Any other case— A fine of £50 or imprisonment for 3 months or both. NOTE: <i>If in any case the offence consists only in failure to produce a certificate of insurance or security the punishment is that provided for an offence under Article 180 (4).</i>
176	Failure to comply with duties on occurrence of other accidents.	(a) Indictment (b) Summary	(a) or (b) A fine of £100.
177	Failure of driver of vehicle, owner of vehicle or person required to do so, to give information for purposes of identification to police.	Summary	A fine of £50.
178	Failure of pedal cyclist to give information for purposes of identification to police.	Summary	A fine of £20.
179	Failure of pedestrian to give information for purposes of identification to police.	Summary	A fine of £20.

Article of Order	General Nature of Offence	Mode of Prosecution	Punishment
180 (1)	Failure to stop when so required by constable in uniform.	Summary	A fine of £100.
180 (4)	Failure to produce driving licence, etc., for examination.	Summary	A fine of £50.
180 (7)	Obstruction, etc., of police.	Summary	A fine of £100.
200	Removing, etc., notice affixed to vehicle for purposes of Article 200.	Summary	A fine of £20.
206	Failure to comply with requirement as to weighing of vehicle or trailer under Article 206.	Summary	A fine of £400.
209	Contravention of prohibition or restriction on use of bridge.	Summary	A fine of £50.
211 (1)	Promoting or participating in unauthorised cycle race.	Summary	A fine of £10.
211 (4)	Contravention of direction of Chief Constable.	Summary	A fine of £10.
Schedule 3 para. 3 (1)	Wilfully applying warranty to protective headgear for motor cyclist where warranty not given in relation to that headgear.	Summary	A fine of £50.
para. 3 (2)	Giving false warranty in writing applying to protective headgear for motor cyclists.	Summary	A fine of £50.
Regulations made under this Order.	Any contravention of any regulations under this Order.	Summary	A fine of £100.

PROVISIONS AS TO INQUIRIES AND APPLICATIONS

1. Every application under this Order shall be made in such manner as may be prescribed and shall state the grounds upon which the application is made.

2. If on any application the Department determines that a public inquiry shall be held, the Department shall publish notice of the inquiry in such newspaper or newspapers on such number of days as the Department may direct, and also in the Belfast Gazette; if the Department holds an inquiry without an application the Department shall publish the necessary notices.

A notice for the purposes of this paragraph shall be in such form and shall contain such particulars as may be prescribed.

3. Subject to paragraph 4, all persons interested may appear at the inquiry either in person or by counsel, agent or solicitor.

4. No person shall be entitled to be heard at the inquiry unless he has within one week from the last publication of the notice of the holding of the inquiry sent a notice in writing to the Department of his desire to be heard at the inquiry, and the person holding the inquiry may refuse to hear any person if he is satisfied that the views of that person have been adequately stated on the inquiry by some other person.

5. Subject as aforesaid inquiries and all incidental proceedings shall be conducted in accordance with Schedule 8 to the Health and Personal Social Services (Northern Ireland) Order 1972 (a) as modified by Article 58 (2) of the Roads (Northern Ireland) Order 1980.

SAVINGS

Saving for certain provisions about minimum ages for driving

1. Notwithstanding the repeal by this Order of paragraph 1 of Schedule 2 to the Road Traffic (Drivers' Ages and Hours of Work) (Northern Ireland) Order 1976 (b)—

(a) subsection (2) (b) and (c) of section 2 of the Road Traffic Act (Northern Ireland) 1970 as originally enacted (driving of tractors on roads by persons between the ages of 16 and 17 in certain circumstances) shall continue to have effect and shall be deemed to be contained (with the appropriate modification of references) in regulations made under Article 4 (2); and

(b) regulations made under subsection (5) (motor cycles) or subsection (7) (road rollers and articulated vehicles) of the said section 2 as originally enacted shall have effect (with the appropriate adaptation of references) as if made under Article 4 (2),

and (in each case) may be varied or revoked accordingly.

Saving in relation to certain motor cars for holders of driving licences and similar persons

2.—(1) This paragraph applies to a person who immediately before 1st January 1976 fulfilled any of the following conditions, that is to say —

(a) he held a driving licence or a provisional licence authorising him to drive a motor car;

(a) S.I. 1972/1265 (N.I. 14).

(b) S.I. 1976/581 (N.I. 11).

(b) he was entitled to obtain a driving licence authorising him to drive a motor car or, having previously held a provisional licence, was entitled to obtain a provisional licence authorising him to drive a motor car or would have been (in either case) so entitled but for a current disqualification imposed by order of a court;

(c) he would have been the holder of a valid driving licence or provisional licence authorising him to drive a motor car but for a current disqualification imposed by a conviction or order of a court.

(2) Subject to sub-paragraph (3), a person to whom this paragraph applies shall not, by reason only of Article 4, be disqualified for holding or obtaining a driving licence or a provisional licence authorising him to drive motor vehicles falling within the class described in paragraph 5 or 6 of the Table set out in Article 4 (1).

(3) A person shall not be treated, by virtue of sub-paragraph (2), as entitled to the grant of a driving licence or a provisional licence authorising him to drive a goods vehicle the permissible maximum weight of which exceeds 10 tonnes or a motor vehicle constructed solely for the carriage of passengers and their effects which is adapted to carry more than 15 passengers inclusive of the driver.

(4) This paragraph shall be construed as if it were contained in Part II, but in sub-paragraph (1) any reference to a driving licence or a provisional licence includes a reference to a corresponding licence granted under Part III of the Road Traffic Act 1972.

Saving in relation to certain goods vehicles for holders of driving licences and similar persons

3.—(1) This paragraph applies to—

(a) a goods vehicle which, by virtue of the Road Traffic (Drivers' Ages and Hours of Work) (Northern Ireland) Order 1976, became classified as a heavy goods vehicle, that is to say, a motor car which—

(i) became, by virtue of paragraph 11 of Schedule 1 to that Order, a heavy goods vehicle for the purposes of sections 66 to 72 and section 74 of the Road Traffic Act (Northern Ireland) 1970 (not having been a heavy goods vehicle for those purposes before the commencement of the said paragraph 11); and

(ii) was not an articulated goods vehicle (within the meaning of Article 79);

(b) a person who, immediately before 12th April 1976, fulfilled any of the following conditions, that is to say,—

(i) he held a driving licence or a provisional licence authorising him to drive a goods vehicle to which this paragraph applies;

(ii) he was entitled to obtain a driving licence authorising him to drive a goods vehicle to which this paragraph applies or, having previously held a provisional licence, was entitled to obtain a provisional licence authorising him to drive a goods vehicle to which this paragraph applies or would have been (in either case) so entitled but for a current disqualification imposed by order of a court;

(iii) he would have been the holder of a valid driving licence authorising him to drive a goods vehicle to which this paragraph applies but for a current disqualification imposed by a conviction or order of a court.

(2) Nothing in Article 72 (2) (restriction on grant of heavy goods vehicle drivers' licences) shall prevent the Department from granting a full licence to drive a heavy goods vehicle if—

(a) the application for the grant of the licence was made during 1976 by a person to whom this paragraph applies; and

(b) the Department is satisfied that in any 12 consecutive months between the beginning of 1975 and 12th August 1976 the applicant had been in the habit during any period or periods of, or amounting in the aggregate to, 6 months of driving a goods vehicle to which this paragraph applies of a qualifying weight;

but any licence which the Department grants by virtue of this sub-paragraph shall restrict the person to whom it is granted to the driving of a heavy goods vehicle which is not an articulated goods vehicle (within the meaning of Article 79) and the permissible maximum weight of which does not exceed 10 tonnes.

(3) The reference in sub-paragraph (2) to the driving of a goods vehicle in any period between the beginning of 1975 and 12th August 1976 does not include a reference to the driving of a goods vehicle of a prescribed class or of a goods vehicle while it is being used in prescribed circumstances.

(4) The Department may by regulations restrict the class of goods vehicle to which this paragraph applies for the driving of which a licence may be granted by virtue of sub-paragraph (2) by reference to the class of vehicle which the applicant for the licence was driving during any period between the beginning of 1975 and 12th August 1976.

(5) In this paragraph—

“driving licence” means a licence to drive a motor vehicle granted under Part II of this Order or under Part III of the Road Traffic Act 1972;

“permissible maximum weight” has the same meaning as it has in Articles 71 to 79;

“provisional licence” has the same meaning as it has in Part II of this Order or, as the case requires, in Part III of the Road Traffic Act 1972;

“qualifying weight”, in relation to a goods vehicle, means that the vehicle has an unladen weight of 3 tons or less and a permissible maximum weight in excess of 7.5 tonnes.

(6) Any reference in this paragraph to a driving licence authorising a person to drive a goods vehicle to which this paragraph applies shall, in relation to a driving licence granted under Part III of the Road Traffic Act 1972, be construed as a reference to a licence so granted authorising him to drive a goods vehicle of a class which—

(a) is, by virtue of any provision having effect in Great Britain and corresponding with paragraph 11 of Schedule 1 to the Road Traffic (Drivers' Ages and Hours of Work) (Northern Ireland) Order 1976, a heavy goods vehicle for the purposes of Part IV of the Road Traffic Act 1972 (not having been a heavy goods vehicle for those purposes before the coming into force of that provision); and

(b) is not an articulated goods vehicle within the meaning of the said Part IV.

Other savings

4. Without prejudice to section 29 of the Interpretation Act (Northern Ireland) 1954 (effect of substituting provisions) bye-laws and regulations made under section 19 (1) and (4) of the Road Traffic Act (Northern Ireland) 1970, as originally enacted or as amended, and any provisions made by or under any local or private Act empowering the Department to regulate the waiting of any vehicle on any road, shall have effect as if made under Article 21.

5. Notwithstanding the repeal by this Order of section 14 of the Motor Vehicles (Traffic and Regulation) Act (Northern Ireland) 1926 (a), so much of section 11 of the Summary Jurisdiction (Ireland) Act 1851 (b) and of section 4 of the Char-a-banc Regulation Act (Northern Ireland) 1924 (c) as relates to the offences mentioned in paragraphs 1, 2 and 3 of section 11 of the Summary Jurisdiction (Ireland) Act 1851 shall not apply where any such offence is committed in connection with a public service vehicle.

6. Notwithstanding the repeal by this Order of the Road Traffic Act (Northern Ireland) 1970 and Articles 11 (4) and 13 (3) of the Roads and Road Traffic (Northern Ireland) Order 1978 (d), that Act shall apply in relation to the offences committed on or before 26th August 1978 as if it had not been amended by Articles 11 and 13 of, and Schedule 1 to, that Order.

(a) 1926 c. 31 (N.I.). (b) 1851 c. 92. (c) 1924 c. 7 (N.I.).
(d) S.I. 1978/1051 (N.I. 21).

7. The Driving Licences (Transfer of Functions) (Supplementary Provisions) Order (Northern Ireland) 1973 (a) shall continue to have effect and to be deemed always to have had effect, as if Article 15 of the Road Traffic (Amendment) (Northern Ireland) Order 1973 (b) had been in force when the first-mentioned order was made.

8. Article 99 shall have effect, where the accident giving rise to the death or bodily injury in respect of which a payment is made under that Article occurred before 1st April 1980, as if in paragraph (1) of that Article for “£1,250” there were substituted “£200”.

Article 220.

SCHEDULE 7

AMENDMENTS

The Towns Improvement Clauses Act 1847 (c. 34)

1. In section 79 (both as originally enacted and as incorporated with any other enactment) after “streets vested in them” insert “or the construction or repair of any other works of public utility”.

The Railways (Roads Vehicles) Act (Northern Ireland) 1927 (c. 9)

2. In section 1 (2), for the words from “Motor” to “1926” substitute “Road Traffic (Northern Ireland) Order 1981”.

The Probation Act (Northern Ireland) 1950 (c. 7)

3. In Schedule 1, in paragraph 2, for the words from “Acts” to “1967” substitute “(Northern Ireland) Order 1981”.

The Magistrates' Courts Act (Northern Ireland) 1964 (c. 21)

4. In section 41, at the end of subsection (1) add “or under Article 141 of the Road Traffic (Northern Ireland) Order 1981”.

The Land Development Values (Compensation) Act (Northern Ireland) 1965 (c. 23)

5. In Part I of Schedule 2, in paragraph 1 (1), in the definition of “motor vehicle”, for “Act (Northern Ireland) 1955” substitute “(Northern Ireland) Order 1981”.

The Transport Act (Northern Ireland) 1967 (c. 37)

6. In section 18—

(a) in subsection (1), for the words from “Part III” to “1934” substitute “Article 54 of the Road Traffic (Northern Ireland) Order 1981”;

(b) in subsection (7), for the words from “section 72” to “1955” substitute “Article 218 of the Road Traffic (Northern Ireland) Order 1981”.

7. In section 29 (1) (a), for the words from “Part III” to “1934” substitute “Article 54 of the Road Traffic (Northern Ireland) Order 1981”.

8. In section 66—

(a) in subsection (1), for the words from “section 42” to the end substitute “Article 2 (2) of the Road Traffic (Northern Ireland) Order 1981”;

(b) in subsection (4) (c), for the words from “section 25” to the end substitute “Article 122 of the Road Traffic (Northern Ireland) Order 1981”.

9. In section 81, in the definition of “road” for the words from “Act” to the end substitute “(Northern Ireland) Order 1981”.

The Public Expenditure and Receipts Act (Northern Ireland) 1968 (c. 8)

10. In Schedule 3, in paragraph 3, for the words from “Motor” to “section 12” substitute “Road Traffic (Northern Ireland) Order 1981 Article 99”.

(a) S.R. & O. (N.I.) 1973 No. 339.

(b) S.I. 1973/1229 (N.I. 17).

The Treatment of Offenders Act (Northern Ireland) 1968 (c. 29)

11. In section 23—

- (a) in subsection (1), for “Acts (Northern Ireland) 1926 to 1968” substitute “(Northern Ireland) Order 1981” and for “Road Traffic Acts” substitute “Order of 1981”;
- (b) in subsection (2), for “Acts (Northern Ireland) 1926 to 1968” substitute “(Northern Ireland) Order 1981”;
- (c) in subsection (3), for the words from “licence” to the end substitute “driving licence or a provisional licence as defined in Article 2 (2) of the Road Traffic (Northern Ireland) Order 1981”.

The Theft Act (Northern Ireland) 1969 (c. 16)

12. In section 12 (8) (b), for the words from “Act” to “1955” substitute “(Northern Ireland) Order 1981”.

13. In section 24 (5), for the words from “section 48” to “1955” substitute “Article 172 of the Road Traffic (Northern Ireland) Order 1981”.

The Vehicles (Excise) Act (Northern Ireland) 1972 (c. 10)

14. In section 2 (1) (c) (ii), for “section 27 (3) of the Road Traffic Act (Northern Ireland) 1970” substitute “Article 29 (3) of the Road Traffic (Northern Ireland) Order 1981”.

15. In Schedule 2, in paragraph 5, for “section 55 of the Road Traffic Act (Northern Ireland) 1970” substitute “Article 61 of the Road Traffic (Northern Ireland) Order 1981”.

The Fuel and Electricity (Control) Act 1973 (c. 67)

16. In section 4 (2) as it applies in Northern Ireland—

(a) in paragraph (a)—

(i) for “section 61 of the Road Traffic Act (Northern Ireland) 1970” substitute “Article 66 of the Road Traffic (Northern Ireland) Order 1981”;

(ii) for “section 26 of the Road Traffic Act (Northern Ireland) 1970” substitute “Article 28 of the Road Traffic (Northern Ireland) Order 1981”;

(b) in paragraph (b), for “section 65 of the Road Traffic Act (Northern Ireland) 1970” substitute “Article 70 of the Road Traffic (Northern Ireland) Order 1981”;

(c) in paragraph (c), for “subsections (1) to (5) of section 49 of the Road Traffic Act (Northern Ireland) 1970, as applied by section 57 of that Act and as amended by Article 5 of the Road Traffic (Amendment) (Northern Ireland) Order 1973” substitute “Article 56 of the Road Traffic (Northern Ireland) Order 1981”.

*The Land Acquisition and Compensation (Northern Ireland) Order 1973
(S.I. 1973/1896 (N.I. 21))*

17. In Article 22 (7), for “Part II of the Road Traffic Act (Northern Ireland) 1970” substitute “Part III of the Road Traffic (Northern Ireland) Order 1981”.

The Criminal Jurisdiction Act 1975 (c. 59)

18. In Schedule 1, in paragraph 9 (iii), for “section 148 of the Road Traffic Act (Northern Ireland) 1970” substitute “Article 172 of the Road Traffic (Northern Ireland) Order 1981”.

The Transport (Northern Ireland) Order 1977 (S.I. 1977/599 (N.I. 10))

19. In Article 10 (1), for “section 61 (1) of the Road Traffic Act (Northern Ireland) 1970” substitute “Article 66 (1) of the Road Traffic (Northern Ireland) Order 1981”.

The Criminal Injuries (Compensation) (Northern Ireland) Order 1977
(S.I. 1977/1248 (N.I. 15))

20. In Article 2 (2), in the definition of "motor vehicle", for "Act (Northern Ireland) 1970" substitute "(Northern Ireland) Order 1981".

The Chronically Sick and Disabled Persons Act (Northern Ireland) 1978 (c. 53)

21. In section 14—

- (a) in subsection (1) (b), for "section 19 or 90 of the Road Traffic Act (Northern Ireland) 1970" substitute "Article 21 or 107 of the Road traffic (Northern Ireland) Order 1981";
- (b) in subsection 7 (c), for "Act (Northern Ireland) 1970" substitute "(Northern Ireland) Order 1981";
- (c) in subsection (8), for "section 190 (1) of the Road Traffic Act (Northern Ireland) 1970" substitute "Article 2 (2) of the Road Traffic (Northern Ireland) Order 1981".

The Planning (Amendment) (Northern Ireland) Order 1978 (S.I. 1978/1048 (N.I. 18))

22. In Article 6—

- (a) in paragraph (2), for "Act (Northern Ireland) 1970" substitute "(Northern Ireland) Order 1981";
- (b) in paragraphs (3) and (4) for "Act" substitute "Order".

The Criminal Justice (Northern Ireland) Order 1980 (S.I. 1980/704 (N.I. 6))

23. In Article 8—

- (a) in paragraph (2)—
 - (i) for "Part I of the Road Traffic Act (Northern Ireland) 1970" substitute "Part II of the Road Traffic (Northern Ireland) Order 1981";
 - (ii) for "section 170 (1) of that Act" substitute "Article 197 (1) of that Order";
- (b) in paragraph (3) (b)—
 - (i) for "section 167 of that Act" substitute "Article 194 of that Order"—
 - (ii) for "subsection (9) of that section" substitute "paragraph (9) of that Article".

The Roads (Northern Ireland) Order 1980 (S.I. 1980/1085 (N.I. 11))

24. In Article 5 (1) (e), for "section 89 of the Road Traffic Act (Northern Ireland) 1970" substitute "Article 104 (1) of the Road Traffic (Northern Ireland) Order 1981".

25. In Article 53 (2) (b) (iii), for "section 89 (1) of the Road Traffic Act (Northern Ireland) 1970" substitute "Article 104 (1) of the Road Traffic (Northern Ireland) Order 1981".

26. In Article 57, for "section 153 of the Road Traffic Act (Northern Ireland) 1970", substitute "Article 177 of the Road Traffic (Northern Ireland) Order 1981" and for "Act" where it last occurs substitute "Order".

27. In Schedule 1—

- (a) in paragraph 1 for "section 26 of Road Traffic Act (Northern Ireland) 1970 (in this Schedule referred to as "the Act of 1970")" substitute "Article 28 of the Road Traffic (Northern Ireland) 1981 (in this Schedule referred to as "the Order of 1981")";
- (b) in paragraph 2, for "section 27 (3) of the Act of 1970" substitute "Article 29 (3) of the Order of 1981";
- (c) in paragraph 4, for "section 27 (3) of the Act of 1970" substitute "Article 29 (3) of the Order of 1981";

(d) in paragraph 14—

(i) in the definition of "abnormal indivisible load", for "section 27 (3) of the Act of 1970" substitute "Article 29 (3) of the Order of 1981";

(ii) in the definition of "invalid carriages", for "Act of 1970" substitute "Order of 1981";

(iii) for "Act of 1970" where it last occurs substitute "Order of 1981";

(iv) for "Act" where it last occurs substitute "Order".

Article 220

SCHEDULE 8

REPEALS

Chapter or Number	Short Title	Extent of Repeal
1926 c. 31.	The Motor Vehicles (Traffic and Regulation) Act (Northern Ireland) 1926.	The whole Act.
1930 c. 21 (20 Geo. 5).	The Motor Vehicles and Road Traffic Act (Northern Ireland) 1929.	Section 6.
1930 c. 24.	The Motor Vehicles and Road Traffic Act (Northern Ireland) 1930.	Section 16.
1955 c. 27.	The Road Traffic Act (Northern Ireland) 1955.	The whole Act.
1964 c. 20.	The Road Traffic Act (Northern Ireland) 1964.	The whole Act.
1964 c.21.	The Magistrates' Courts Act (Northern Ireland) 1964.	In section 41 (1), the words from "under section 39" to "1955 or".
1967 c. 18.	The Criminal Law Act (Northern Ireland) 1967.	In Schedule 1 paragraph 26 and in paragraph 28 sub-paragraph (f).
1967 c. 37.	The Transport Act (Northern Ireland) 1967.	In section 79, subsection (3). In section 81, in the definition of "road", the words "except in section 62,".
1967 c. 38.	The Road Traffic Act (Northern Ireland) 1967.	The whole Act.
1968 c. 29.	The Treatment of Offenders Act (Northern Ireland) 1968.	In Schedule 3, the entry relating to the Road Traffic Act (Northern Ireland) 1955.
1970 c. 2.	The Road Traffic Act (Northern Ireland) 1970.	The whole Act.

Chapter or Number	Short Title	Extent of Repeal
1970 c. 9.	The Police Act (Northern Ireland) 1970.	In section 23, subsection (2).
1972 c. 10.	The Vehicles (Excise) Act (Northern Ireland) 1972.	In Schedule 8, the entries relating to the Road Traffic Act (Northern Ireland) 1970.
S.I. 1972/1265 (N.I. 14).	The Health and Personal Social Services (Northern Ireland) Order 1972.	In Schedule 16, paragraph 83.
S.I. 1973/1229 (N.I. 17).	The Road Traffic (Amendment) (Northern Ireland) Order 1973.	The whole Order.
S.I. 1976/581 (N.I. 11).	The Road Traffic (Drivers' Ages and Hours of Work) (Northern Ireland) Order 1976.	The whole Order.
S.I. 1978/1051 (N.I. 21).	The Roads and Road Traffic (Northern Ireland) Order 1978.	The whole Order.
1980 c. 25.	The Insurance Companies Act 1980.	In Schedule 3, paragraph 7.
S.I. 1980/704 (N.I. 6).	The Criminal Justice (Northern Ireland) Order 1980.	In Schedule 1, paragraph 54 to 57.
S.I. 1980/1085 (N.I. 11).	The Roads (Northern Ireland) Order 1980.	In Schedule 8, paragraph 1, and in paragraph 3 in the Table, the entries relating to the Road Traffic Act (Northern Ireland) 1970.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order consolidates certain enactments relating to road traffic, principally the Road Traffic Act (Northern Ireland) 1970 as amended by subsequent enactments.

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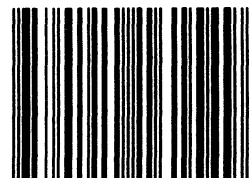
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