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STATUTORY INSTRUMENTS

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**1984 No. 1986 (N.I. 15)**

**NORTHERN IRELAND**

**The Road Traffic, Transport and Roads  
(Northern Ireland) Order 1984**

*Laid before Parliament in draft*

*Made 19th December 1984*

*Coming into operation in accordance with Article 1*

ARRANGEMENT OF ORDER

Article

*Introductory*

1. Title and commencement.
2. Interpretation.

*Road traffic*

3. Experimental traffic control schemes.
4. Parking of heavy commercial vehicles.
5. Prohibitions under Article 36 of the Order of 1981.
6. Power to inspect goods vehicles.
7. Exceptions from requirement of third-party insurance or security.
8. Weighing of motor vehicles.
9. Miscellaneous amendments of Order of 1981.

*Transport*

10. Licensing of public service vehicles.
11. Conditions of road freight vehicle licences.
12. Duration of road freight vehicle licences.
13. False statements.
14. Amendment of section 46 of Act of 1967.
15. Level crossings.
16. Power to construct railways.
17. Grants towards duty charged on bus fuel.

**THE ROAD TRAFFIC, TRANSPORT  
AND ROADS (NI) ORDER SI 1984/1986 (NI 15)**

*Roads*

18. Road humps.
19. Minor amendments.

*Miscellaneous*

20. Repeals.

**SCHEDULES:**

- Schedule 1—Miscellaneous amendments of Order of 1981.  
Schedule 2—Road humps.  
Schedule 3—Repeals.

At the Court at Buckingham Palace, the 19th day of December 1984

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:

1974 c. 28

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974 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:—

*Introductory*

*Title and commencement*

1.—(1) This Order may be cited as the Road Traffic, Transport and Roads (Northern Ireland) Order 1984.

(2) Except for Article 18 and Schedule 2, this Order shall come into operation on the expiration of two months from the day on which it is made.

(3) Article 18 and Schedule 2 shall come into operation on such day as the Head of the Department may by order appoint.

*Interpretation*

1954 c. 33 (N.I.)

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

1967 c. 37 (N.I.)

(2) In this Order—  
“the Act of 1967” means the Transport Act (Northern Ireland) 1967;

1981 NI 1

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

**THE ROAD TRAFFIC, TRANSPORT  
AND ROADS (NI) ORDER SI 1984/1986 (NI 15)**

*Road traffic*

*Experimental traffic control schemes*

**3.** After Article 23 of the Order of 1981 there shall be inserted the following Article—

*'Experimental traffic control schemes*

**23A.**—(1) Subject to this Article, the Department may, for the purpose of carrying out the experimental control of traffic, make and implement schemes (referred to in this Article as “experimental traffic control schemes”).

(2) An experimental traffic control scheme may make the like provision as may be made by an order under Article 21 or 22.

(3) Subject to paragraph (4)—

(a) Article 23(2) to (6) shall apply to the making and amendment of an experimental traffic control scheme, and

(b) Article 23(3) shall apply in relation to the revocation of such a scheme,

in the same manner as those provisions apply to the making, amendment or revocation of orders under Articles 21 and 22.

(4) Where it appears to the Department that it is essential in the interests of the expeditious, convenient and safe movement of traffic to do so, the Department may, after giving such public notice as the Department considers appropriate, modify or suspend an experimental traffic control scheme.

(5) Subject to paragraph (6), an experimental traffic control scheme shall, unless previously revoked, cease to be in force on the expiration of 6 months from the date on which it came into force.

(6) Subject to paragraph (7), where an experimental traffic control scheme has not ceased to be in force, the Department—

(a) may direct that it shall continue in force for a further period not exceeding 6 months from the date when it would otherwise cease to be in force; and

(b) shall in such case publish, in at least one newspaper circulating in the locality where the scheme applies, a notice stating the period for which the scheme is to continue in force.

(7) Nothing in paragraph (6) shall authorise the continuance in force of an experimental traffic control scheme for a period exceeding 18 months from the date when it first came into force.

(8) The Department may direct that, while an experimental traffic control scheme is in force, any provision previously made by or under an enactment, being a provision that could have been made by the scheme, is suspended or modified to such extent, and

**THE ROAD TRAFFIC, TRANSPORT  
AND ROADS (NI) ORDER SI 1984/1986 (NI 15)**

in such manner, as the Department considers necessary in consequence of the scheme.

(9) Where, under paragraph (8), the Department directs, or has directed, that a provision is to be suspended or modified, a notice published under Article 23(3), as applied for the purposes of this Article by paragraph (3), shall indicate the provisions affected by the direction and their nature, and shall—

- (a) in the case of the making or amendment of an experimental traffic control scheme, state the period for which the suspension or modification is to have effect; or
- (b) in the case of the revocation of an experimental traffic control scheme, state the date on which the suspension or modification of those provisions is to cease to have effect.’.

*Parking of heavy commercial vehicles*

**4.—**(1) After Article 26 of the Order of 1981 there shall be inserted the following Article—

*‘Prohibition of parking of heavy commercial vehicles on verges and footways*

**26A.—**(1) Subject to paragraph (2), a person who parks a heavy commercial vehicle wholly or partly—

- (a) on the verge of a road;
- (b) on any land situated between two carriageways; or
- (c) on a footway;

shall be guilty of an offence under this Order.

(2) A person shall not be convicted of an offence by virtue of paragraph (1) if he proves to the satisfaction of the court that the vehicle was parked—

- (a) in accordance with permission given by a member of the Royal Ulster Constabulary in uniform or a traffic warden;
- (b) either for the purpose of saving life, extinguishing fire or meeting another like emergency, or because of circumstances beyond the control of the person in charge of the vehicle; or
- (c) in circumstances where the conditions specified in paragraph (3) were satisfied.

(3) The conditions mentioned in paragraph (2)(c) are—

- (a) that the vehicle was parked on the verge of a road or on a footway for the purpose of loading or unloading;
- (b) that the loading or unloading of the vehicle could not have been satisfactorily performed if it had not been parked on the footway or verge; and
- (c) that the vehicle was not left unattended at any time when it was so parked.

**THE ROAD TRAFFIC, TRANSPORT  
AND ROADS (NI) ORDER SI 1984/1986 (NI 15)**

(4) In this Article—

“carriageway” and “footway” have the same meaning respectively as in the Roads (Northern Ireland) Order 1980;

“road”, without prejudice to any provision made under Article 19 of the Roads (Northern Ireland) Order 1980, does not include a “special road” within the meaning of that Order; and

“verge” means the unpaved area flanking a carriageway and forming part of the road.

(5) Subject to paragraphs (6) and (7), in this Article “heavy commercial vehicle” means any vehicle, whether mechanically propelled or not, which is constructed or adapted for the carriage of goods, and has an operating weight exceeding 7.5 tonnes.

(6) The Department may by regulations amend paragraph (5) in either or both of the following ways, namely—

(a) by substituting for the reference to operating weight a reference to such other description of weight as may be specified in the regulations; or

(b) by substituting for the reference to 7.5 tonnes a reference to such other weight as may be so specified.

(7) Regulations under paragraph (6) shall not so amend paragraph (5) that there is any case in which a vehicle whose operating weight does not exceed 7.5 tonnes is a heavy commercial vehicle for the purposes of this Article.

(8) In the applications of paragraphs (5), (6) and (7) to a vehicle drawing one or more trailers, the drawing vehicle and the trailer or trailers shall be treated as one vehicle.’

(2) In Schedule 4 to the Order of 1981, after the entry relating to Article 25, there shall be inserted the following entry—

“26A	Prohibition of parking of heavy goods vehicles on verges and footways.	Summary	A fine of level 3 on the standard scale.”.
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*Prohibitions under Article 36 of the Order of 1981*

5. In Article 36 of the Order of 1981 (power to prohibit driving of defective vehicles)—

(a) in paragraph (1) for the words “will constitute an immediate risk to public safety” (in both places) there shall be substituted the words “would involve danger to any person”;

(b) in paragraph (3) for the words “constitutes a risk to public safety” there shall be substituted the words “is a danger to any person”;

(c) after paragraph (3) there shall be inserted the following paragraphs—

“(3A) Paragraph (3B) shall have effect where—

(a) a goods vehicle has been weighed in pursuance of a

**THE ROAD TRAFFIC, TRANSPORT  
AND ROADS (NI) ORDER SI 1984/1986 (NI 15)**

requirement imposed under Article 206; and

- (b) it appears to a constable or a person authorised by the Department for the purposes of that Article that the limit imposed by construction and use requirements with respect to any description of weight which is applicable to that vehicle has been exceeded, or would be exceeded if it were used on a road or other public place.

(3B) Where the circumstances described in paragraph (3A) exist, the constable or person authorised by the Department—

- (a) may, whether or not a notice is given under paragraph (1), give notice in writing to the person in charge of the vehicle prohibiting the driving of the vehicle on a road or other public place until that weight is reduced to that limit and official notification has been given to whoever is for the time being in charge of the vehicle that it is permitted to proceed; and
- (b) may also by direction in writing require the person in charge of the vehicle to remove it (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.

(3C) A prohibition under sub-paragraph (a) of paragraph (3B) shall not apply to the removal of the vehicle or trailer in accordance with a direction under sub-paragraph (b) of that paragraph.

(3D) Official notification for the purposes of paragraph (3B)—

- (a) must be in writing and must be given by a person mentioned in that paragraph; and
- (b) may be withheld until the vehicle has been weighed or re-weighed in order to satisfy the person giving the notification that the weight has been sufficiently reduced.”;

(d) for paragraph (5) there shall be substituted the following paragraphs—

“(5) Any person who—

- (a) knowingly drives a vehicle on a road or other public place in contravention of a prohibition under this Article;
- (b) subject to paragraph (5A), causes or permits a vehicle to be so driven; or
- (c) fails to comply within a reasonable time with a direction under paragraph (3B),

shall be guilty of an offence under this Order.

**THE ROAD TRAFFIC, TRANSPORT  
AND ROADS (NI) ORDER SI 1984/1986 (NI 15)**

(5A) It shall be a defence for a person charged with an offence under paragraph (5)(b) to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of any offence under that provision.”.

*Power to inspect goods vehicles*

6.—(1) In Article 57 of the Order of 1981 (power to stop goods vehicles) after paragraph (3) there shall be inserted the following paragraphs—

“(4) An inspector of vehicles or a member of the Royal Ulster Constabulary may at any time require any person in charge of a stationary goods vehicle on a road to proceed with the vehicle, for the purpose of having it inspected under this Article, to any place where an inspection can be suitably carried out (not being more than 5 miles from the place where the requirement is made).

(5) A person in charge of a goods vehicle who without reasonable excuse fails to comply with a requirement made under paragraph (4) shall be guilty of an offence under this Order.”.

(2) In Schedule 4 to the Order of 1981—

(a) in the entry relating to Article 57, in the first column for “57” there shall be substituted “57(3)”; and

(b) after that entry there shall be inserted the following entry—

“57(5)	Failure to comply with a requirement to proceed to place of inspection.	Summary A fine of level 3 on the standard scale.”.
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*Exceptions from requirement of third-party insurance or security*

7.—(1) In Article 61 of the Order of 1981 (grant of public service vehicle licences)—

(a) at the beginning of paragraph (3) there shall be inserted the words “Subject to paragraph (3A),”; and

(b) after paragraph (3) there shall be inserted the following paragraph—

“(3A) Paragraph (3) shall not apply to a public service vehicle owned by a company mentioned in Article 90(2)(aa).”.

(2) In Article 90 of the Order of 1981 (insurance or security against third-party risks), in paragraph (2) after sub-paragraph (a) there shall be inserted the following sub-paragraph—

“(aa) any subsidiary company of the Northern Ireland Transport Holding Company providing road passenger transport services;”.

*Weighing of motor vehicles*

8. In Article 206 of the Order of 1981—

(a) after paragraph (1) there shall be inserted the following paragraphs—

**THE ROAD TRAFFIC, TRANSPORT  
AND ROADS (NI) ORDER SI 1984/1986 (NI 15)**

“(1A) Regulations under paragraph (1) may make provision with respect to—

- (a) the manner in which a motor vehicle or trailer is to be weighed or a weight is to be tested as mentioned in paragraph (1), and
- (b) the limits within which, unless the contrary is proved, any weight determined by a weighbridge or other machine for weighing vehicles is to be presumed to be accurate for the purposes of any provision made by or under this Order or by or under any other statutory provision relating to motor vehicles or trailers.

(1B) For the purpose of enabling a motor vehicle or a trailer drawn by it to be weighed or a weight to be tested in accordance with regulations under paragraph (1), a constable or a person authorised by the Department may require the person in charge of the vehicle to drive the vehicle or to do any other thing in relation to the vehicle or its load or the trailer or its load which is reasonably required to be done for that purpose.”;

(b) in paragraph (3) for the words “one mile” there shall be substituted the words “5 miles”;

(c) after paragraph (3) there shall be inserted the following paragraph—

“(3A) The Department may by order designate areas in Northern Ireland where paragraph (3) is to have effect, in such cases as may be specified by the order, with the substitution for 5 miles of a greater distance so specified.”;

(d) for paragraph (4) there shall be substituted the following paragraph—

“(4) Any person who without reasonable excuse—

- (a) fails to comply with a requirement made under paragraph (1) or (1B); or
- (b) obstructs a constable or a person authorised by the Department in the exercise of his functions under this Article,

shall be guilty of an offence under this Order.”;

(e) after paragraph (5) there shall be added the following paragraphs—

“(5A) A certificate in the prescribed form which—

- (a) purports to be signed by a constable or a person authorised by the Department; and
- (b) states, in relation to a vehicle identified in the certificate, any weight determined in relation to that vehicle on the occasion of its being brought to a weighbridge or other machine in pursuance of a requirement under paragraph (1),



**THE ROAD TRAFFIC, TRANSPORT  
AND ROADS (NI) ORDER SI 1984/1986 (NI 15)**

shall be evidence of the matter so stated.

(5B) If, for the purposes of or in connection with the determination of any weight in relation to a vehicle which is brought to a weighbridge or other machine as mentioned in paragraph (1), a constable or a person authorised by the Department—

- (a) drives a vehicle or does any other thing in relation to a vehicle or its load or a trailer or its load, or
- (b) requires the driver of a vehicle to drive it in a particular manner or to a particular place or to do any other thing in relation to a vehicle or its load or a trailer or its load,

neither he nor any person complying with such a requirement shall be liable for any damage to or loss in respect of the vehicle or its load or the trailer or its load unless it is shown that he acted without reasonable care.

(5C) Notwithstanding anything in Article 215, in this Article “road” includes any land which forms part of a harbour or which is adjacent to a harbour and is wholly or partly occupied for the purposes of harbour operations; and “harbour” and “harbour operations” have the meanings assigned to them by section 38(1) of the Harbours Act (Northern Ireland) 1970.’.

*Miscellaneous amendments of Order of 1981*

9. The Order of 1981 shall be amended in accordance with Schedule 1.

*Transport*

*Licensing of public service vehicles*

10.—(1) In section 9(1) of the Act of 1967 (fees for road service licences), for the words from “in respect” to “licences” there shall be substituted the following words—

“in respect of—

- (a) the grant of road service licences;
- (b) applications for documents required in relation to public service vehicles—
  - (i) registered in Northern Ireland while making journeys to or from places outside Northern Ireland, or
  - (ii) registered outside Northern Ireland; and
- (c) the issuing by the Department of the documents referred to in sub-paragraph (b),”.

(2) In section 45 of the Act of 1967 (power to make regulations) for paragraphs (j) to (l) there shall be substituted the following paragraph—

- ‘(j) the application, with such additions, omissions, alterations or

**THE ROAD TRAFFIC, TRANSPORT  
AND ROADS (NI) ORDER SI 1984/1986 (NI 15)**

other modifications (whether conditional or not) as may be prescribed, of any of the provisions of Part II or of this Part, in relation to—

(i) public service vehicles registered in Northern Ireland while making journeys to or from places outside Northern Ireland, and

(ii) public service vehicles registered outside Northern Ireland;

and in this paragraph “public service vehicle” has the same meaning as in Article 2(2) of the Road Traffic (Northern Ireland) Order 1981;’.

*Conditions of road freight vehicle licences*

**11.** In section 20 of the Act of 1967—

(a) in subsection (1), after paragraph (c) there shall be added the following paragraph—

“(d) the parking of vehicles.”; and

(b) in subsection (3), after the words “vehicle licence” there shall be inserted the words, “other than conditions attached by virtue of subsection (1)(d),”.

*Duration of road freight vehicle licences*

**12.**—(1) In section 22 of the Act of 1967—

(a) in subsection (1) for the words from “beginning on” to the end there shall be substituted the words “or such other period as may be specified”; and

(b) subsection (2) shall cease to have effect.

(2) In section 23(1) of the Act of 1967, shall be omitted paragraphs (a) and (b) and after the words “vehicle licence” there shall be inserted the words “a fee of two pounds for each month or part of a month during the currency of the licence”.

*False statements*

**13.** In section 35 of the Act of 1967, after paragraph (d) there shall be inserted the following paragraph—

“or

(e) obtaining from the Department any certificate of professional competence recognised for the purposes of section 46A(5) or (6).”.

*Amendment of section 46 of Act of 1967*

**14.** In section 46 of the Act of 1967 at the end of paragraph (b) there shall be added the words “unless the person to whom the vehicle has been let on hire uses the vehicle to carry such passengers or goods for reward in the course of a business of carrying passengers or goods for reward”.

**THE ROAD TRAFFIC, TRANSPORT  
AND ROADS (NI) ORDER SI 1984/1986 (NI 15)**

*Level crossings*

**15.** For section 66 of the Act of 1967 there shall be substituted the following section—

‘Safety arrangements at level crossings. **66.**—(1) The Department may, on an application by the railway undertaking made pursuant to this section, by order provide that, while the order remains in force, any statutory provision—

- (a) applying to a level crossing specified in the order, and
- (b) imposing requirements as to—
  - (i) barriers or other protective equipment at or near the level crossing;
  - (ii) the supervision of the level crossing (including the provision of buildings for the purposes of supervision); or
  - (iii) the operation of the railway at or near the level crossing;

shall not apply in relation to the level crossing.

(2) An order under this section, may require the railway undertaking—

- (a) to provide, at or near any level crossing specified in the order, and maintain and operate, such barriers, lights and automatic and other devices as may be specified in the order;
- (b) to secure the provision, at or near any level crossing specified in the order, and the maintenance and operation of such traffic signs as may be approved by the Department;
- (c) to comply with such other conditions and requirements as are necessary or desirable for the convenience of the public and are specified in the order.

(3) Where—

- (a) an order under this section requires the railway undertaking to secure the provision, maintenance and operation of any traffic sign, and
- (b) the road crossed by the railway is a public road within the meaning of Article 2(2) of the Roads (Northern Ireland) Order 1980;

then—

- (i) the Department shall carry out any works necessary for the purposes mentioned in paragraph (a);

**THE ROAD TRAFFIC, TRANSPORT  
AND ROADS (NI) ORDER SI 1984/1986 (NI 15)**

(ii) the railway undertaking shall pay to the Department amounts equal to the costs of those works; and

(iii) the sign shall be deemed to be provided under Article 122 of the Road Traffic (Northern Ireland) Order 1981.

(4) An application by the railway undertaking to the Department under this section shall be accompanied by a draft, in such form as the Department may direct, of the proposed order.

(5) Before making an application to the Department under this section the railway undertaking shall give written notice of its intention to do so to the council in whose district the level crossing is situated.

(6) The notice under subsection (5)—

(a) shall be accompanied by a copy of the draft order which the railway undertaking intends to submit to the Department; and

(b) shall specify the period (not being less than 2 months) within which the council may make representations to the Department in respect of the application.

(7) The Department shall consider any representations in respect of the application made by such a council within the period specified in accordance with subsection (6)(b) and may then, if it decides to do so, make the order in accordance with the draft submitted by the railway undertaking or with such modifications as the Department thinks fit.

(8) Notwithstanding anything in any other enactment (including a local or private Act) the Department may construct or reconstruct a road crossing the railway on the level.

(9) In this section—

“barrier” includes gate;

“council” and “district” have the meaning given in section 1(3) of the Local Government Act (Northern Ireland) 1972;

“protective equipment” includes lights, traffic signs and telephone and television equipment; and

“traffic sign” has the meaning given in Article 2(2) of the Road Traffic (Northern Ireland) Order 1981.’.

*Power to construct railways*

**16.**—(1) After Part V of the Act of 1967 there shall be inserted the following Part—

**THE ROAD TRAFFIC, TRANSPORT  
AND ROADS (NI) ORDER SI 1984/1986 (NI 15)**

‘PART VA

CONSTRUCTION OF RAILWAYS

Construction  
of railways.

**67A.**—(1) The railway undertaking may—

- (a) construct a new railway;
- (b) carry out any work for the improvement of an existing railway,

where it appears to the railway undertaking expedient to do so for the purpose of providing railway services.

(2) The Department may, on application to it by the railway undertaking, make an order authorising the railway undertaking to construct, as part of a new railway or as part of an existing railway—

- (a) a bridge over any navigable waters specified in the order (whether sea, river or other navigable waters); or
- (b) a tunnel under any such waters.

(3) An order under subsection (2)—

- (a) shall include such information as may be necessary to indicate the position and minimum dimensions of the bridge or tunnel, (including, for a bridge, its minimum spans, headways and waterways and, for a tunnel, its minimum depth below the bed of the navigable waters); and
- (b) shall, if it relates to the construction of a swing bridge, contain such provisions as the Department considers expedient for regulating the operation of the bridge.

(4) Before making an order under subsection (2) the Department shall take into consideration the reasonable requirements of navigation over the waters affected by the order.

(5) In this section—

“improvement” includes (without prejudice to the generality of that expression) the widening, re-aligning and reshaping of a railway;

“navigable waters” means waters over which a public right of navigation exists;

“swing bridge” includes a bridge which opens by any mechanical means.

Acquisition  
of land by  
Holding  
Company.

**67B.**—(1) The Holding Company may acquire land, by agreement or compulsorily, to facilitate the construction of railways and the provision of railway services by the railway undertaking.

(2) Where the Holding Company, in exercise of the powers conferred by subsection (1), wishes to acquire land

**THE ROAD TRAFFIC, TRANSPORT  
AND ROADS (NI) ORDER SI 1984/1986 (NI 15)**

otherwise than by agreement, the Holding Company may apply to the Department for an order (in this section referred to as a "vesting order") vesting the land in the Holding Company, and the Department may make a vesting order.

(3) Section 97 of, and Schedule 6 to, the Local Government Act (Northern Ireland) 1972 shall apply for the purposes of the acquisition of land by means of a vesting order made under this section in the same manner as it applies to the acquisition of land by means of a vesting order made under that Act subject to the following modifications—

(a) for section 97(1) and (2) of that Act there shall be substituted the following subsection—

“(1) A vesting order shall vest land to which it relates in the Holding Company in accordance with, and subject to, Schedule 6.”; and

(b) in Schedule 6 to that Act—

- (i) any reference to a council or the council shall be construed as a reference to the Holding Company and any reference to the clerk of the council shall be construed as a reference to the secretary of the Holding Company;
- (ii) any reference to that Act shall be construed as a reference to this Act;
- (iii) any reference to the Department shall be construed as a reference to the Department within the meaning of this Act;
- (iv) any reference to the Compensation Fund shall be construed as a reference to the revenues of the Holding Company;
- (v) paragraph 20(2) shall be omitted.

Information  
as to  
ownership  
of premises.

**67C.**—(1) The Holding Company may, in connection with the exercise of its functions under this Part, by notice in writing require the occupier of any premises and any person who, either directly or indirectly, receives rent in respect of any premises, to state in writing the nature of his own interest therein and the name and address of any other person known to him as having an interest therein, whether as freeholder, mortgagee, lessee or otherwise.

(2) Any person required to give information in pursuance of this section who without reasonable excuse fails to give, or knowingly mis-states, that information shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

**THE ROAD TRAFFIC, TRANSPORT  
AND ROADS (NI) ORDER SI 1984/1986 (NI 15)**

Power to enter  
land.

**67D.**—(1) Subject to section 67E, a person authorised in writing by the Holding Company may, on production if required of his credentials, at any reasonable time enter any land to ascertain whether the Holding Company ought to acquire that land for the purposes of this Part.

(2) A person who enters land under subsection (1) may survey, value or examine it.

(3) The power conferred by subsection (2) to survey land shall be construed as including power to ascertain or fix boundaries, or to search and bore for the purpose of ascertaining the course of any sewers or drains or of ascertaining the nature of the subsoil, and to take and carry away, for the purpose of examination, specimens of subsoil.

(4) Nothing in this section shall authorise entry into a building.

Supplementary  
provisions  
relating to  
section 67D.

**67E.**—(1) Subject to paragraphs (2) to (9), no person shall be entitled to exercise the power of entry conferred by section 67D(1) unless—

(a) the requisite notice of the intended entry has been served by the Holding Company; and

(b) the occupier, and where notice has been served on the owner, the owner, has given his consent to the proposed entry.

(2) In subsection (1) “the requisite notice” means—

(a) where entry is required solely for the purpose of examination, at least 24 hours’ notice served on the occupier of the land; or

(b) where entry is sought for any other purpose, at least 6 days’ notice served on the occupier and on the owner if the owner is known.

(3) If, upon complaint to a court of summary jurisdiction under Part VIII of the Magistrates’ Courts (Northern Ireland) Order 1981, it is shown—

(a) that there are reasonable grounds for the person on whose behalf the application is made to enter the land in question for the purpose for which entry is permitted under section 67D; and

(b) that—

(i) the requisite notice has been served and admission to the land has been refused to that person or he has reasonable grounds to believe that it will be refused, or

(ii) the land is unoccupied or the occupier is temporarily absent,  
the court may make an order authorising that person to enter the land.

**THE ROAD TRAFFIC, TRANSPORT  
AND ROADS (NI) ORDER SI 1984/1986 (NI 15)**

(4) Where the court is satisfied that it may be necessary to use force to enter land under section 67D, the court may authorise the use of such force as is reasonable in the circumstances.

(5) Any person entering any land by virtue of the power of entry conferred by section 67D or by virtue of an order made by a court of summary jurisdiction under subsection (3)—

(a) may take with him such other persons and such equipment as may be necessary; and

(b) on leaving any unoccupied land which he has entered by virtue of such a power of entry or such an order shall leave it as effectually secured against trespassers as he found it.

(6) A person who intentionally obstructs any person who enters, or is attempting to enter, land by virtue of an order made by a court of summary jurisdiction under subsection (3), shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(7) Where work has been carried out on land in pursuance of section 67D, the Holding Company shall reinstate the land as soon as possible.

(8) Where—

(a) in the exercise of the power conferred by section 67D or in carrying out the order of a court of summary jurisdiction under subsection (3), any damage is caused to land or chattels, any person interested in the land or chattels may recover compensation in respect of that damage from the Holding Company,

(b) in consequence of the exercise of any such power or the carrying out of any such order, any person is disturbed in his enjoyment of land or chattels, he may recover compensation in respect of that disturbance from the Holding Company.

(9) Any question of disputed compensation under subsection (8) shall be referred to and determined by the Lands Tribunal.

Extinguishment  
of public  
rights of  
way.

**67F.**—(1) Subject to this section, the Holding Company may, with the approval of the Department, make an order extinguishing any public right of way over land acquired by the Holding Company for the purposes of this Part.

(2) Before making an order under subsection (1), the Holding Company shall publish in one or more than one newspaper circulating in the area a notice, in such form as the Department may specify, stating that—



**THE ROAD TRAFFIC, TRANSPORT  
AND ROADS (NI) ORDER SI 1984/1986 (NI 15)**

(a) it proposes to make an order under subsection (1),  
and

(b) objections to the making of the order may be made  
to the Department before the expiration of 6 weeks  
from the publication of the notice.

(3) The Department may at any time after the expiration  
of the said period of 6 weeks—

(a) approve the order with or without modification, or

(b) refuse to approve the order;

but shall not, until a local inquiry is held into the matter,  
approve an order to which any objection is made in  
accordance with subsection (2)(b) and is not withdrawn.

(4) An order under this section shall take effect on the  
date on which the land is acquired or on such later date as  
the Department in approving the order may direct.

(5) An order made under this section may contain any  
such provision as, by virtue of Article 40(2) of the Roads  
(Northern Ireland) Order 1980 (retention or removal of  
cables, etc.), may be contained in an order made under that  
Article on the stopping-up or abandonment of a road; and  
paragraphs 1 to 4 of Schedule 7 to that Order (savings for  
Post Office) shall apply to an order made under this section  
as they apply to an order made under Article 40 of that  
Order.

(6) Where, by virtue of subsection (5), by an order made  
under this section—

(a) any person is required to carry out any works; or

(b) any right such as is described in Article 40(2) of the  
Roads (Northern Ireland) Order 1980 is exting-  
uished or modified,

the Holding Company shall pay compensation to that  
person or, as the case may be, in respect of the extinction or  
modification of that right; and if any question of disputed  
compensation arises that question shall be referred to and  
determined by the Lands Tribunal.

(7) If any person who is required by an order made under  
this section to carry out any works refuses or, within any  
reasonable period of time specified in a notice served upon  
him by the Holding Company for the purposes of this  
subsection, fails to do so, the Holding Company may carry  
out those works and the expenses incurred in so doing shall,  
without prejudice to any other remedy but subject always to  
subsection (6), be recoverable by it from that person  
summarily as a debt.

(8) The powers conferred by this section shall be in  
addition to and not in derogation of any powers for the  
stopping-up or abandonment of roads under Article 40 of

**THE ROAD TRAFFIC, TRANSPORT  
AND ROADS (NI) ORDER SI 1984/1986 (NI 15)**

the Roads (Northern Ireland) Order 1980.

(9) For the purposes of this section the expression “public right of way” shall be deemed to include a customary right of way, but does not include a public right of navigation.

Diversion of  
navigable  
watercourses.

**67G.**—(1) The Department may, on application to it by the railway undertaking, make an order authorising the railway undertaking to divert such part of a navigable watercourse as is specified in the order if the Department considers the diversion necessary or desirable in connection with—

- (a) the construction or improvement of a railway; or
- (b) the construction, as part of a railway, of a bridge over or tunnel under navigable waters.

(2) Where a navigable watercourse is to be diverted in pursuance of an order made under subsection (1), any new length of watercourse provided in pursuance of that order shall be such as will or, but for any bridge or tunnel constructed over or under it in pursuance of section 67A(2), would be navigable in a reasonably convenient manner by vessels of a kind which immediately before the commencement of the order were accustomed to use that part of the watercourse which is to be replaced by the new length.

(3) Where by virtue of an order made under subsection (1) the railway undertaking is authorised to divert any part of a navigable watercourse it may also divert any towing path or way adjacent to that part.

(4) Subsection (5) shall have effect where—

- (a) works for the diversion of a navigable watercourse have been carried out by the railway undertaking in accordance with an order made under subsection (1); and
- (b) any person has suffered damage in consequence of the works mentioned in paragraph (a)—
  - (i) by the depreciation of any estate in any land to which he is entitled, or
  - (ii) by reason of the fact that his right of access to a navigable watercourse has been interfered with or extinguished.

(5) A person shall be entitled to receive compensation from the Holding Company under this subsection in respect of the damage where works of the type mentioned in subsection (4) are carried out unless the works were carried out on land, or in exercise of rights, vested in the Holding Company under section 67B, or otherwise in the Department or any of its predecessors in title under section 34 of the Roads Act (Northern Ireland) 1948 or any statutory provision repealed by that Act.

**THE ROAD TRAFFIC, TRANSPORT  
AND ROADS (NI) ORDER SI 1984/1986 (NI 15)**

(6) Any question of disputed compensation arising under subsection (5) shall be referred to and determined by the Lands Tribunal.

(7) In this section “navigable watercourse” means a watercourse over which a public right of navigation exists.

Extinguishment  
of certain  
public rights  
over  
navigable  
waters and  
foreshore.

**67H.**—(1) If the Department considers it necessary or desirable to do so in connection with any matter mentioned in subsection (1)(a) or (b) of section 67G, the Department may, on application to it by the railway undertaking, make an order extinguishing—

(a) any public rights over or in relation to such part of the foreshore as is specified in the order;

(b) any public rights of navigation over such part of any navigable waters (whether the sea, a river or other navigable waters) as is specified in the order.

(2) In this section “navigable waters” has the meaning given in section 67A(5).

Orders under  
sections  
67A(2),  
67G(1) and  
67H.

**67I.** Article 63(1) to (3) of, and Schedule 6 to, the Roads (Northern Ireland) Order 1980 shall, subject to the modifications thereof specified in Schedule 1A, apply in relation to the making of orders under section 67A(2), 67G(1) or 67H in like manner as they apply in relation to the making of orders under any of the Articles mentioned in Article 63(1) of that Order.

Incorporation  
of Railways  
Clauses  
Consolidation  
Act, 1845  
and  
Railways  
Clauses Act,  
1863.

**67J.** The following provisions of the Railways Clauses Consolidation Act, 1845 and the Railways Clauses Act, 1863, so far as they are applicable for the purposes of and are not inconsistent with this Part, are incorporated with and form part of this Part, and this Part shall be deemed to be the special Act for the purposes of those Acts—

(a) the Railways Clauses Consolidation Act, 1845, except sections 7 to 15, 46 to 62, 65, 66, 112, 113, 162 and 163;

(b) sections 1 to 3, 13, 15, 16, 18 and 19 of the Railways Clauses Act, 1863.

(2) In section 69(1)(b) of the Act of 1967, after the words “by virtue of” there shall be inserted the words “section 67B or”.

(3) In section 80 of the Act of 1967, after subsection (1) there shall be inserted the following subsection—

“(1A) Nothing in Part VA—

(a) affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown; or

(b) authorises the taking, using or entering of, or interference with, any land or hereditaments or any rights of whatsoever description (including any

**THE ROAD TRAFFIC, TRANSPORT  
AND ROADS (NI) ORDER SI 1984/1986 (NI 15)**

portion of the shore or bed of the sea or of any river, channel, creek, bay or estuary) belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of those Commissioners.”.

(4) After Schedule 1 to the Act of 1967 there shall be inserted the following Schedule—

Section 67I.

**‘SCHEDULE 1A**

**MODIFICATIONS OF ARTICLE 63(1) TO (3) OF, AND  
SCHEDULE 6 TO, THE ROADS (NORTHERN IRELAND) ORDER 1980  
FOR THE PURPOSES OF SECTIONS 67A, 67G AND 67H**

1. References to the said Schedule 6 shall be construed as references to that Schedule as modified by this Schedule.

2. In Article 63—

(a) in paragraph (1) for sub-paragraphs (a) to (g) substitute—

“(a) section 67A(2) (construction of bridges and tunnels in relation to navigable waters);

(b) section 67G(1) (diversion of navigable water-courses);

(c) section 67H (extinguishment of certain public rights over navigable waters and foreshore);”;

(b) in paragraph (2)—

(i) for the words “Article 53 and Schedule 4” substitute the words “section 67B”, and

(ii) omit the words from “so however” to the end.

3. In Schedule 6—

(a) in paragraph 1 for the words from “the road” to “or tunnel” substitute the words “the proposed bridge or tunnel, or the foreshore or navigable water-course”;

(b) in paragraph 2—

(i) in sub-paragraph (1)(a) for the words “any road, bridge, tunnel” substitute the words “any proposed bridge or tunnel, or any”, and after the word “is” insert the words “, or is to be,”;

(ii) in sub-paragraph (1)(b) for the words “Article 6” substitute the words “section 67H”,

(iii) in sub-paragraph (1)(c) for the words “Article 4(1), 5(1) or 6” substitute the words “section 67A, 67G or 67H”;

**THE ROAD TRAFFIC, TRANSPORT  
AND ROADS (NI) ORDER SI 1984/1986 (NI 15)**

- (iv) in sub-paragraph (3) omit the words from the beginning of head (a) to “or 6”, and head (b);
- (c) omit paragraph 3;
- (d) in paragraph 6 for the words from “any road” to “tunnel” substitute the words “any proposed bridge or tunnel or any”.

*Grants towards duty charged on bus fuel*

**17.** In section 14(7) of the Finance Act (Northern Ireland) 1966— 1966 c. 21  
(N.I.)

(a) for the definition of “bus service” there shall be substituted—

““bus service” means a service available to the general public for the carriage of passengers by road at separate fares, on which there is available to any passenger a journey of such length—

(i) that he is set down at a place less than 30 miles, measured in a straight line, from the place where he was taken up; and

(ii) that no point on the route between those places is 30 miles or more, measured in a straight line, from either of those places;

and does not include any part of a service as regards which taken in isolation from the whole the aforesaid requirements as to the available length of journey are not satisfied;’;

(b) the definition of “prescribed” shall be omitted.

*Roads*

*Road humps*

**18.** Schedule 2 shall have effect with respect to road humps.

*Minor amendments*

**19.**—(1) Article 24(1) of the Private Streets (Northern Ireland) Order 1980 shall have effect, and be deemed always to have had effect, with the substitution for the words “Article 25(1)” of the words “Article 25(2)”. 1980 NI 12

(2) Paragraph 18A of Schedule 11 to the Land Registration Act (Northern Ireland) 1970 (which was inserted into that Act by Article 34 of the Private Streets (Northern Ireland) Order 1980) shall have effect, and be deemed always to have had effect, with the substitution for “1979” (enacted in error for “1980”) of “1980”. 1970 c. 18  
(N.I.)

*Miscellaneous*

*Repeals*

**20.** The statutory provisions (which include spent or obsolete provisions) set out in Schedule 3 are hereby repealed to the extent specified in the third column of that Schedule.

*G. I. de Deney*

Clerk of the Privy Council.

**THE ROAD TRAFFIC, TRANSPORT  
AND ROADS (NI) ORDER SI 1984/1986 (NI 15)**

Article 9.

**SCHEDULES**

**SCHEDULE 1**

**MISCELLANEOUS AMENDMENTS OF ORDER OF 1981**

*General powers to control movement of and waiting by traffic*

1. In Article 23(6), after the words “an order under” insert the words “Article 21(1)(a) and (b) or”.

*Powers to control traffic on specified roads, etc.*

2.—(1) In Article 22(1), after the words “the use” insert the words “by pedestrians or”.

(2) In Article 22(2)—

(a) in sub-paragraph (a) insert at the end the words “or any other road”,  
and

(b) in sub-paragraph (b) after the words “unrestricted use” insert the  
words “by pedestrians or”.

(3) For paragraph (3) of Article 22 substitute the following paragraph—

“(3) Any person who knowingly—

(a) as a pedestrian, uses a road, or

(b) 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.”.

3. In Article 23(1), in sub-paragraph (b) omit the words “for the purpose  
mentioned in Article 22(2)(c)”.

4. In Article 24—

(a) in paragraph (1), after the words “public road” insert the words “by  
pedestrians or”;

(b) in paragraph (2)(a) for the words “the road” where they occur for  
the third time substitute the words “that road or any other road”;

(c) omit paragraph (3).

5.—(1) In Article 25(1)—

(a) for the words “on a road” substitute the words “on any public road”;

(b) omit the words “by order”; and

(c) after the words “that road” (where they occur for the second time)  
insert the words “or any other road or any part of any other road by  
pedestrians or”.

(2) For paragraph (2) of Article 25 substitute the following paragraph—

“(2) The Department, when considering whether to restrict or prohibit  
the use of a road under paragraph (1), shall have regard to the  
existence of alternative routes suitable for the traffic which will be  
affected by the restriction or prohibition.”.

(3) Omit Article 25(3).

6. After paragraph (3) of Article 26 insert the following paragraphs—

“(3A) Where the Department, in exercise of any of the powers confer-  
red by Articles 24 and 25, imposes restrictions or prohibitions on the  
use of any road, the Department may direct that, while the restric-  
tions or prohibitions apply, any provision—

**THE ROAD TRAFFIC, TRANSPORT  
AND ROADS (NI) ORDER SI 1984/1986 (NI 15)**

- (a) contained in an order made (or having effect as if made) under Article 21 or 22, and Sch. 1
- (b) relating to any road to which the restrictions or prohibitions apply,  
is suspended or modified to such extent, and in such manner, as the Department considers necessary in consequence of those restrictions or prohibitions.
- (3B) Where, under paragraph (3A), the Department directs, or has directed, that a provision is to be suspended or modified, the Department shall indicate in any notice published under paragraph (1), (2) or (3) the provisions affected by the direction and shall—
- (a) in the case of a notice published under paragraph (1) or (2), state a place in the locality where a copy of the direction may be inspected by any person free of charge at all reasonable hours during the period when the restrictions or prohibitions are in force; and
- (b) in the case of a notice published under paragraph (3), state the date on which the suspension or modification of that provision is to cease to have effect.”.

*Amendment of certain penalties*

7.—(1) In Schedule 4 (Table of Offences, etc.), in the fourth column of the entry relating to Article 29 (using vehicle not complying with construction and use regulations) shall be amended as follows—

- (a) for the reference to level 3 on the standard scale substitute a reference to level 4 on the standard scale; and
- (b) after the words “goods vehicle”, in the first place where they occur, insert the words “or a vehicle adapted to carry more than eight passengers”.

(2) In Schedule 4, in the entry relating to Article 34 (using vehicle without vehicle test certificate) for the words in the fourth column substitute—

“A fine of—

- (a) level 4 on the standard scale, in the case of a vehicle adapted to carry more than eight passengers; and
- (b) level 3 on the standard scale in any other case.”.

(3) In Schedule 4, in the entry relating to Article 36(5), at the end of the words in the second column add the words “or failing to comply with a direction to remove a goods vehicle found overloaded”.

(4) This paragraph does not apply in relation to offences committed before its coming into operation.

*Speed limits*

8.—(1) In Article 50(7) at the end of sub-paragraph (a) omit the word “and” and sub-paragraph (b).

(2) In Article 52, after paragraph (1) insert the following paragraph—

‘(1A) In paragraph (1) “ambulance” includes a vehicle used for the purpose of a mobile coronary care unit.’.

*Warning of works on or near roads*

9. In Article 124(1)—

**THE ROAD TRAFFIC, TRANSPORT  
AND ROADS (NI) ORDER SI 1984/1986 (NI 15)**

- Sch. 1
- (a) for the word “roadworks”, in each place where it occurs, substitute the word “works”; and
  - (b) for paragraph (b) substitute the following paragraph—

“(b) the person present at or for the time being in charge of carrying out those works shall—

    - (i) place and maintain those signs or devices, or cause those signs or devices to be placed and maintained in such manner as to give traffic sufficient warning of that danger, and
    - (ii) remove or cause to be removed those signs or devices as soon as the works have been completed.”.

Article 18.

**SCHEDULE 2**

**ROAD HUMPS**

1. In Article 2(2) of the Roads (Northern Ireland) Order 1980 the following definition shall be inserted at the appropriate place—

“road hump” means an artificial hump in or on the surface of the road which is designed to control the speed of vehicles, and references to a road hump include references to any other works (including signs or lighting) required in connection with such a hump;’.

2. After Article 39 of the Roads (Northern Ireland) Order 1980, add the following Article—

*‘Construction of road humps*

39A.—(1) Subject to this Article, where the Department considers it expedient to do so in the interests of road safety, the Department may—

- (a) construct road humps on any road which is subject to a speed limit imposed by statutory provision for motor vehicles of 30 miles per hour or less; and

- (b) remove any road humps so constructed by it.

(2) Where, in exercise of the power conferred by paragraph (1), the Department proposes to construct a road hump on a road, the Department shall publish in at least one newspaper circulating in the locality in which the road is situated, and place at appropriate points on that road, a notice—

- (a) stating the nature, dimensions and location of the proposed road hump, and

- (b) specifying the address to which and the period (not being less than 30 days from the date of publication of the notice) within which objections to the proposal may be made to the Department.

(3) The Department shall consider any objections sent to it in accordance with a notice under paragraph (2) and may, if it thinks fit, hold a public inquiry.

(4) The Department may by regulations make such provision in relation to the construction and maintenance of road humps as appear to it to be necessary or expedient in the interests of safety and the free movement of traffic, and may in particular—

- (a) provide that road humps shall be constructed only in roads of such descriptions and in such circumstances as may be prescribed by regulations;

- (b) impose requirements as to—



**THE ROAD TRAFFIC, TRANSPORT  
AND ROADS (NI) ORDER SI 1984/1986 (NI 15)**

- (i) the nature, dimensions, location and spacing of road humps; Sch. 2  
(ii) the placing of signs of such type or character as may be so prescribed;  
(iii) the carrying out and maintenance of other ancillary or consequential works.

(5) Where, in exercise of the power conferred by paragraph (1), a road hump is constructed on a road and conforms to regulations made under paragraph (4), it shall not be treated as an obstruction to the road, but as part of the road, so that in particular—

(a) the Department's obligation to maintain the road; and

(b) the obligation of any person having power to break open the road, to make good any damage or otherwise reinstate the road, extend to maintaining or, as the case may be, making good any damage to or otherwise reinstating the road hump.

(6) In this Article "motor vehicle" has the same meaning as in the Road Traffic (Northern Ireland) Order 1981.

**SCHEDULE 3  
REPEALS**

Article 20.

Chapter or Number	Short Title	Extent of Repeal
4 Ann c. 8.	The Tolls Act (Ireland) 1705.	The whole Act.
1 Geo. 3 c. 17.	The Expiring Laws Act (Ireland) 1761.	The whole Act.
3 & 4 Vict. c. 97.	The Railway Regulation Act, 1840.	Sections 13 and 14.
5 & 6 Vict. c. 55.	The Railway Regulation Act, 1842.	Sections 11 to 13, 16 and 22.
7 & 8 Vict. c. 85.	The Railway Regulation Act, 1844.	The whole Act.
8 & 9 Vict. c. 20.	The Railways Clauses Consolidation Act, 1845.	Sections 45, 89, 96 to 102, 106, 107, 125 to 137 and 141.
13 & 14 Vict. c. 83.	The Abandonment of Railways Act, 1850.	The whole Act.
14 & 15 Vict. c. 64.	The Railway Regulation Act, 1851.	The whole Act.
22 & 23 Vict. c. 59.	The Railway Companies Arbitration Act, 1859.	The whole Act.
26 & 27 Vict. c. 92.	The Railways Clauses Act, 1863.	Sections 8 to 11 and 35.
29 & 30 Vict. c. 108.	The Railway Companies Securities Act, 1866.	The whole Act.
30 & 31 Vict. c. 127.	The Railway Companies Act, 1867.	Sections 6 to 36.
31 & 32 Vict. c. 119.	The Regulation of Railways Act, 1868.	Part I. Section 29. Part VI. Sections 41 to 44.

**THE ROAD TRAFFIC, TRANSPORT  
AND ROADS (NI) ORDER SI 1984/1986 (NI 15)**

Sch. 3

Chapter	Short Title	Extent of Repeal
32 & 33 Vict. c. 114.	The Abandonment of Railways Act, 1869.	The whole Act.
14 & 15 Geo. 5 c. 7 (N.I.).	The Char-a-banc Regulation Act (Northern Ireland) 1924.	The whole Act.
20 Geo. 5 c. 21 (N.I.).	The Motor Vehicles and Road Traffic Act (Northern Ireland) 1929.	The whole Act.
24 & 25 Geo. 5 c. 15 (N.I.).	The Motor Vehicles and Road Traffic Act (Northern Ireland) 1934.	The whole Act.
1 & 2 Eliz. 2 c. 36.	The Post Office Act, 1953.	In section 40, the words from "either" to "or" at the end of paragraph (a).
1958 c. 20 (N.I.).	The Administrative and Financial Provisions Act (Northern Ireland) 1958.	Section 11.
1960 c. 22 (N.I.).	The Companies Act (Northern Ireland) 1960.	In section 348(a), the words from "except" to the end of the paragraph.
1966 c. 21 (N.I.).	The Finance Act (Northern Ireland) 1966.	In section 14(7), the definition of "prescribed".
1967 c. 37 (N.I.).	The Transport Act (Northern Ireland) 1967.	Section 12. In section 23(1), paragraphs (a) and (b). In section 52(1), the words from "and the" to the end. Sections 58, 61(4), 73, 74, 76 and 79(2). In section 81 the definitions of "Belfast Corporation" and "Londonderry Corporation". Section 82. Schedule 2.
1981 N.I. 1	The Road Traffic (Northern Ireland) Order 1981.	In Article 23(1)(b), the words "for the purposes mentioned in Article 22(2)(c)". Articles 24(3) and 25(3). In Article 50(7), the word "and" at the end of sub-paragraph (a), and sub-paragraph (b).

**THE ROAD TRAFFIC, TRANSPORT  
AND ROADS (NI) ORDER SI 1984/1986 (NI 15)**

EXPLANATORY NOTE

*(This Note is not part of the Order.)*

Articles 3 to 9 of this Order amend the Road Traffic (Northern Ireland) Order 1981. The Department of the Environment is empowered to make and implement experimental traffic control schemes and to inspect and weigh goods vehicles; the parking of heavy commercial vehicles on footways and verges is prohibited; and subsidiaries of the Northern Ireland Transport Holding Company are excepted from the requirement under the Order to have insurance or security against third party risks.

Articles 10 to 17 amend the Transport Act (Northern Ireland) 1967. Provision is made with respect to the licensing of public service vehicles and road freight vehicle licences. Article 15 makes fresh provision in relation to level crossings. Article 16 empowers the Northern Ireland Railways Company Limited to construct railways and enables the Northern Ireland Transport Holding Company to acquire land, by agreement or otherwise, for that purpose. Article 17 amends the definition of "bus service" in connection with provision for the payments of grants towards duty charged on bus fuel.

Article 18 and Schedule 2 enable the Department of the Environment to establish road humps on certain roads.

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STATUTORY INSTRUMENTS

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**1984 No. 1986 (N.I. 15)**

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