Status: *Point in time view as at 27/02/2007. This version of this Order contains provisions that are not valid for this point in time.*
Changes to legislation: *The Road Traffic (Northern Ireland) Order 1995 is up to date with all changes known to be in force on or before 09 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

STATUTORY INSTRUMENTS

1995 No. 2994 (N.I. 18)

The Road Traffic (Northern Ireland) Order 1995

- - - - - - *23rd November 1995*

Modifications etc. (not altering text)

C1 Order applied (23.11.2009) by Taxis Act (Northern Ireland) 2008 (c. 4), **ss. 54(4)(5)**, 59; S.R. 2009/352, **art. 2**, Sch.

C2 Order: certain provisions applied (with modifications) (1.10.2010) by Employment and Support Allowance (Transitional Provisions and Housing Benefit) (Existing Awards) Regulations (Northern Ireland) 2010 (S.R. 2010/312), regs. 1, **16**, Sch. 2

PART I

INTRODUCTORY

Title and commencement

1.—(1) This Order may be cited as the Road Traffic (Northern Ireland) Order 1995.

(2) This Order, except Article 92, shall come into operation on the expiration of 2 months from the day on which it is made.

(3) Article 92 shall come into operation on such day as the Head of the Department may by order appoint[F1].

(4) This Order shall be construed as one with the Road Traffic (Northern Ireland) Order 1981.

F1 exercised by SR 1997/253

General interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954[F2] 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—

"carriage of goods" includes the haulage of goods;

"carriageway" means a way constituted or comprised in a road being a way over which the public have a right of way for the passage of vehicles;

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

"cycle" means a bicycle, a tricycle, or a cycle having 4 or more wheels, not being in any case a motor vehicle;

"the Department" means the Department of the Environment;

"driver", where a separate person acts as a steersman of a motor vehicle, includes that person as well as any other person engaged in the driving of the vehicle;

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

"footpath" means a way over which the public have a right of way on foot only, not being a footway or a part of a road;

"footway" means a way comprised in a road which also comprises a carriageway, being a way over which the public have a right of way on foot only;

"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;

"international road haulage permit" means a licence, permit, authorisation or other document issued in pursuance of a Community instrument relating to the carriage of goods by road between member States or an international agreement to which the United Kingdom is a party and which relates to the international carriage of goods by road;

[[F3]"the Offenders Order" means the Road Traffic Offenders (Northern Ireland) Order 1996**]**

"the Order of 1981" means the Road Traffic (Northern Ireland) Order 1981[F4];

"owner", in relation to a vehicle which is the subject of a hiring or hire-purchase agreement, means the person in possession of the vehicle under that agreement;

"prescribed" means prescribed by regulations;

"public path" and "public right of way" have the same meaning as in the Access to the Countryside (Northern Ireland) Order 1983[F5];

"public road" includes any part of a public road and any bridge or tunnel over or through which a public road passes;

"road" includes a public road and any street, carriageway, highway or roadway to which the public has access;

"the Road Traffic Orders" means this Order**[**[F6] the Order of 1981 and the Road Traffic Regulation (Northern Ireland) Order 1997**]**;

"statutory provision" has the meaning assigned to it by section 1(f) of the Interpretation Act (Northern Ireland) 1954[F7];

"traffic" includes the passage of animals on a road;

"traffic sign"**[**[F6] has the meaning assigned to it by Article 28 of the Road Traffic Regulation (Northern Ireland) Order 1997**]**

"trolley vehicle" means a mechanically propelled vehicle adapted for use without rails under power transmitted to the vehicle from some external source (whether or not there is in addition a source of power on board the vehicle).

(3) References in this Order to a class of vehicles are to be interpreted as references to a class defined or described by reference to any characteristics of the vehicles or to any other circumstances whatsoever, and accordingly as authorising the use of "category" to indicate a class of vehicles, however defined or described.

F2 1954 c.33 (NI)

F3 1996 NI 10
F4 1981 NI 1
F5 1983 NI 18
F6 1997 NI 2
F7 1954 c.33 (NI)

Meaning of "motor vehicle" and other expressions relating to vehicles

3.—(1) In this Order—

"heavy locomotive" means a mechanically propelled vehicle which is not constructed itself to carry a load other than any of the expected articles and the weight of which unladen exceeds 11690 kilograms;

"heavy motor car" means a mechanically propelled vehicle, not being a motor car, which is constructed itself to carry a load or passengers and the weight of which unladen exceeds 2540 kilograms;

"invalid carriage" means a mechanically propelled vehicle the weight of which unladen does not exceed 254 kilograms and which is specially designed and constructed, and not merely adapted, for the use of a person suffering from some physical defect or disability and is used solely by such a person;

"light locomotive" means a mechanically propelled vehicle which is not constructed itself to carry a load other than any of the expected articles and the weight of which unladen does not exceed 11690 kilograms but does exceed 7370 kilograms;

"motor car" means a mechanically propelled vehicle, not being a motor cycle or an invalid carriage, which is constructed itself to carry a load or passengers and the weight of which unladen—

(a) if it is constructed solely for the carriage of passengers and their effects, is adapted to carry not more than seven passengers exclusive of the driver and is fitted with tyres of such type as may be specified in regulations made by the Department, does not exceed 3050 kilograms;

(b) if it is constructed or adapted for use for the conveyance of goods or burden of any description, does not exceed 3050 kilograms or 3500 kilograms if the vehicle carries a container or containers for holding for the purposes of its propulsion any fuel which is wholly gaseous at 17.5 degrees Celsius under a pressure of 1.013 bar or plant and materials for producing such fuel;

(c) does not exceed 2540 kilograms in a case not falling within sub-paragraph (a) or (b);

"motor cycle" means a mechanically propelled vehicle, not being an invalid carriage, with less than 4 wheels and the weight of which unladen does not exceed 410 kilograms;

"motor tractor" means a mechanically propelled vehicle which is not constructed itself to carry a load, other than the excepted articles, and the weight of which unladen does not exceed 7370 kilograms;

"motor vehicle" means, subject to Article 6, 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;

"trailer" means a vehicle drawn by a motor vehicle;

"vehicle" includes a cycle and a trailer.

(2) In paragraph (1) "excepted articles" means any of the following: 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.

Supplementary provisions about those expressions

4.—(1) For the purposes of Article 3, a side car attached to a motor vehicle, if it complies with such conditions as may be specified in regulations made by the Department, is to be regarded as forming part of the vehicle to which it is attached and as not being a trailer.

(2) For the purposes of Article 3, in a case where a motor vehicle is so constructed that a trailer may by partial super-imposition be attached to the vehicle in such a manner as to cause a substantial part of the weight of the trailer to be borne by the vehicle, that vehicle is to be deemed to be a vehicle itself constructed to carry a load.

(3) For the purposes of Article 3, in the case of a motor vehicle fitted with a crane, dynamo, welding plant or other special appliance or apparatus which is permanent or essentially permanent fixture, the appliance or apparatus is not to be deemed to constitute a load or goods or burden of any description, but is to be deemed to form part of the vehicle.

(4) The Department may by regulations vary any of the maximum or minimum weights specified in Article 3.

(5) Regulations under paragraph (4) may have effect—

(a) either generally or in the case of vehicles of any class specified in the regulations; and

(b) either for the purposes of the provisions of the Road Traffic Orders**[**[F8] and of the Offenders Order**]** and of all regulations made under those provisions or for such of those purposes as may be so specified.

F8 1996 NI 10

Articulated vehicles

5.—(1) Unless it falls within paragraph (2), a vehicle so constructed that it can be divided into 2 parts both of which are vehicles and one of which is a motor vehicle shall (when not so divided) be treated for the purposes of the enactments mentioned in paragraph (3) as that motor vehicle with the other part attached as a trailer.

(2) A passenger vehicle so constructed that—

(a) it can be divided into 2 parts, both of which are vehicles and one of which is a motor vehicle, but cannot be so divided without the use of facilities normally available only at a workshop, and

(b) passengers carried by it when not so divided can at all times pass from either part to the other,

shall (when not so divided) be treated for the purposes of the enactments mentioned in paragraph (3) as a single motor vehicle.

(3) The enactments referred to in paragraph (1) and (2) are the Road Traffic Orders**[**[F9], the Offenders Order**]** and Part II of the Transport Act (Northern Ireland) 1967[F10].

(4) In this Article "passenger vehicle" means a vehicle constructed or adapted for use solely or principally for the carriage of passengers.

F9 1996 NI 10
F10 1967 c. 37 (NI)

Certain vehicles not to be treated as motor vehicles

6.—(1) For the purposes of the Road Traffic Orders**[**[F11] or the Offenders Order**]**

(a) a mechanically propelled vehicle being an implement for cutting grass which is controlled by a pedestrian and is not capable of being used or adapted for any other purpose;

(b) any other mechanically propelled vehicle controlled by a pedestrian which may be prescribed for the purposes of this Article; and

(c) an electrically assisted pedal cycle of such a class as may be so prescribed,

is to be treated as not being a motor vehicle.

(2) In paragraph (1) "controlled by a pedestrian" means that the vehicle either—

(a) is constructed or adapted for use only under such control; or

(b) is constructed or adapted for use either under such control or under the control of a person carried on it, but is not for the time being in use under, or proceeding under, the control of a person carried on it.

F11 1996 NI 10

Method of calculating weight of motor vehicles and trailers

7.—(1) This Article applies for the purposes of the Road Traffic Orders**[F12** and of the Offenders Order**]** and of any other enactments relating to the use of motor vehicles or trailers on roads.

(2) The weight unladen of a vehicle or trailer shall be taken to be the weight of the vehicle or trailer—

(a) 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 or trailer when working on a road, but

(b) exclusive of the weight of water, fuel or accumulators used for the purpose of the supply of power for the propulsion of the vehicle or, as the case may be, of any vehicle by which the trailer is drawn, and of loose tools and loose equipment.

F12 1996 NI 10

Interpretation of statutory references to carriages

8. A motor vehicle or trailer—

(a) is to be deemed to be a carriage within the meaning of any enactment, and

(b) if used as a carriage of any particular class shall for the purpose of any enactment relating to carriages of any particular class be deemed to be a carriage of that class.

PART II

Principal Road Safety Provisions

Driving Offences

Causing death, or grievous bodily injury, by dangerous driving

9. A person who causes the death of, or grievous bodily injury to, another person by driving a mechanically propelled vehicle dangerously on a road or other public place is guilty of an offence.

Dangerous driving

10. A person who drives a mechanically propelled vehicle dangerously on a road or other public place is guilty of an offence.

Meaning of dangerous driving

11.—(1) For the purposes of Articles 9 and 10 a person is to be regarded as driving dangerously if (and, subject to paragraph (2), only if)—

(a) the way he drives falls far below what would be expected of a competent and careful driver; and

(b) it would be obvious to a competent and careful driver that driving in that way would be dangerous.

(2) A person is also to be regarded as driving dangerously for the purposes of Articles 9 and 10 if it would be obvious to a competent and careful driver that driving the vehicle in its current state would be dangerous.

(3) In paragraphs (1) and (2) "dangerous" refers to danger either of injury to any person or of serious damage to property; and in determining for the purposes of those paragraphs what would be expected of, or obvious to, a competent and careful driver in a particular case, regard shall be had not only to the circumstances of which he could be expected to be aware but also to any circumstances shown to have been within the knowledge of the accused.

(4) In determining for the purposes of paragraph (2) the state of a vehicle, regard may be had to anything attached to or carried on or in it and to the manner in which it is attached or carried.

VALID FROM 16/07/2008

[F13 Causing death or grievous bodily injury by careless or inconsiderate driving

11A. A person who causes the death of, or grievous bodily injury to, another person by driving a mechanically propelled vehicle on a road or other public place without due care and attention, or without reasonable consideration for other persons using the road or place, is guilty of an offence.**]**

F13 Art. 11A inserted (16.7.2008) by Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), arts. 1(4), **52(1)** (with art. 52(4)); S.R. 2008/293, **art. 2**, Sch.

Careless, and inconsiderate, driving

12. If a person drives a mechanically propelled vehicle on a road or other public place without due care and attention, or without reasonable consideration for other persons using the road or place, he is guilty of an offence.

VALID FROM 16/07/2008

[F14 Meaning of careless, or inconsiderate, driving

12A.—(1) This Article has effect for the purposes of Articles 11A, 12 and 14.

(2) A person is to be regarded as driving without due care and attention if (and only if) the way he drives falls below what would be expected of a competent and careful driver.

(3) In determining for the purposes of paragraph (2) what would be expected of a careful and competent driver in a particular case, regard shall be had not only to the circumstances of which he could be expected to be aware but also to any circumstances shown to have been within the knowledge of the accused.

(4) A person is to be regarded as driving without reasonable consideration for other persons only if those persons are inconvenienced by his driving.**]**

F14 Art. 12A inserted (16.7.2008) by Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), arts. 1(4), **62**; S.R. 2008/293, **art. 2**, Sch.

VALID FROM 16/07/2008

[F15Causing death or grievous bodily injury by driving: unlicensed, disqualified or uninsured driver

12B. A person is guilty of an offence under this Article if he causes the death of, or grievous bodily injury to, another person by driving a motor vehicle on a road and, at the time when he is driving, the circumstances are such that he is committing an offence under—

(a) Article 3(1) of the Road Traffic (Northern Ireland) Order 1981 (driving otherwise than in accordance with a licence),

(b) Article 90 of that Order (using motor vehicle while uninsured or unsecured against third party risks), or

(c) Article 168A(1)(c) of that Order (driving while disqualified).**]**

F15 Art. 12B inserted (16.7.2008) by Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), arts. 1(4), **53(1)** (with art. 53(3)); S.R. 2008/293, **art. 2**, Sch.

Motor vehicles: drink and drugs

Interpretation of Articles 14 to 21

13.—(1) The following provisions apply for the interpretation of Articles 14 to 21.

(2) In those Articles—

"preliminary breath test" means a test for the purpose of obtaining, by means of a device of a type approved by the Head of the Department, an indication whether the proportion of alcohol in a person's breath or blood is likely to exceed the prescribed limit;

"drug" includes any intoxicant other than alcohol;

"fail" includes refuse;

"hospital" means an institution which provides medical or surgical treatment for in-patients or out-patients;

"the prescribed limit" means, as the case may require—

(a) 35 microgrammes of alcohol in 100 millilitres of breath,

(b) 80 milligrammes of alcohol in 100 millilitres of blood, or

(c) 107 milligrammes of alcohol in 100 millilitres of urine,

or such other proportion as may be prescribed by regulations made by the Department.

[[F16]"registered health care professional" means a person (other than a medical practitioner) who is one of the following—

(a) a nurse registered on the register maintained by the Nursing and Midwifery Council pursuant to paragraph 10 of Schedule 2 to the Nursing and Midwifery Order 2001 by virtue of qualifications in nursing; or

(b) a registered member of a health care profession which is designated for the purposes of this paragraph by an order made by the Secretary of State.**]**

[[F16](2A) In paragraph (2) "health care profession" means any profession mentioned in section 60(2) of the Health Act 1999 other than the profession of practising medicine and the profession of nursing.

(2B) An order under paragraph (2) shall be subject to annulment in pursuance of a resolution of either House of Parliament in the same manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 shall apply accordingly.**]**

(3) A person does not provide a specimen of breath for a preliminary breath test or for analysis unless the specimen—

(a) is sufficient to enable the test or the analysis to be carried out, and

(b) is provided in such a way as to enable the objective of the test or analysis to be satisfactorily achieved.

[[F16](4) A person provides a specimen of blood if and only if—

(a) he consents to the taking of such a specimen from him intravenously; and

(b) the specimen is so taken from him by a medical practitioner or, if it is taken in a police station, either by a medical practitioner or by a registered health care professional.**]**

(5) A device shall be treated as of a type approved by the Head of the Department for the purpose of obtaining a specimen of breath for a preliminary breath test where a statement that the Head of the Department has approved a device of that type for that purpose is published in the Belfast Gazette.

F16 2005 NI 15

Causing death, or grievous bodily injury, by careless driving when under influence of drink or drugs

14.—(1) If a person causes the death of, or grievous bodily injury to, another person by driving a mechanically propelled vehicle on a road or other public place without due care and attention, or without reasonable consideration for other persons using the road or place, and—

(a) he is, at the time when he is driving, unfit to drive through drink or drugs; or

(b) he has consumed so much alcohol that the proportion of it in his breath, blood or urine at that time exceeds the prescribed limit; or

(c) he is, within 18 hours after that time, required to provide a specimen in pursuance of Article 18, but without reasonable excuse fails to provide it,

he is guilty of an offence.

(2) For the purposes of this Article a person shall be taken to be unfit to drive at any time when his ability to drive properly is impaired.

(3) Paragraph (1)(b) and (c) shall not apply in relation to a person driving a mechanically propelled vehicle other than a motor vehicle.

Driving, or being in charge, when under influence of drink or drugs

15.—(1) A person who, when driving or attempting to drive a mechanically propelled vehicle on a road or other public place, is unfit to drive through drink or drugs is guilty of an offence.

(2) Without prejudice to paragraph (1), a person who, when in charge of a mechanically propelled vehicle which is on a road or other public place, is unfit to drive through drink or drugs is guilty of an offence.

(3) For the purposes of paragraph (2), a person shall be deemed not to have been in charge of a mechanically propelled 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 he remained unfit to drive through drink or drugs.

(4) The court may, in determining whether there was such a likelihood as is mentioned in paragraph (3), disregard any injury to him and any damage to the vehicle.

(5) For the purpose of this Article, a person shall be taken to be unfit to drive if his ability to drive properly is for the time being impaired.

(6) A constable may arrest a person without warrant if he has reasonable cause to suspect that that person is or has been committing an offence under this Article.

(7) For the purpose of arresting a person under the power conferred by paragraph (6), a constable may enter (if need be by force) any place where that person is or where the constable, with reasonable cause, suspects him to be.

Driving, or being in charge of, a motor vehicle with alcohol concentration above prescribed limit

16.—(1) If a person—

(a) drives or attempts to drive a motor vehicle on a road or other public place, or

(b) is in charge of a motor vehicle on a road or other public place,

after consuming so much alcohol that the proportion of it in his breath, blood or urine exceed the prescribed limit he is guilty of an offence.

(2) It is a defence for a person charged with an offence under paragraph (1)(b) to prove that at the time he is alleged to have committed the offence the circumstances were such that there was no likelihood of his driving the vehicle whilst the proportion of alcohol in his breath, blood or urine remained likely to exceed the prescribed limit.

(3) The court may, in determining whether there was such a likelihood as is mentioned in paragraph (2), disregard any injury to him and any damage to the vehicle.

Breath tests

17.—(1) Where a constable in uniform has reasonable cause to suspect

(a) that a person driving or attempting to drive or in charge of a motor vehicle on a road or other public place has alcohol in his body or has committed a traffic offence whilst the vehicle was in motion; or

(b) that a person has been driving or attempting to drive or been in charge of a motor vehicle on a road or other public place with alcohol in his body and that that person still has alcohol in his body; or

(c) that a person has been driving or attempting to drive or been in charge of a motor vehicle on a road or other public place and has committed a traffic offence whilst the vehicle was in motion;

he may, subject to Article 20, require him to provide a specimen of breath for a preliminary breath test.

(2) If an accident occurs owing to the presence of a motor vehicle on a road or other public place, a constable may, subject to Article 20, require any person who he has reasonable cause to believe was driving or attempting to drive or in charge of the vehicle at the time of the accident to provide a specimen of breath for a preliminary breath test.

(3) A person may be required under paragraph (1) or (2) to provide a specimen either at or in the vicinity of the place where the requirement is made or, if the requirement is made under paragraph (2) and the constable making the requirement thinks fit, at a police station specified by the constable.

(4) A person who, without reasonable excuse, fails to provide a specimen of breath when required to do so in pursuance of this Article is guilty of an offence.

(5) A constable may arrest a person without warrant if—

(a) as a result of a preliminary breath test he has reasonable cause to suspect that the proportion of alcohol in that person's breath or blood exceeds the prescribed limit, or

(b) that person has failed to provide a specimen of breath for a preliminary breath test when required to do so in pursuance of this Article and the constable has reasonable cause to suspect that he has alcohol in his body,

but a person shall not be arrested by virtue of this paragraph when he is at a hospital as a patient.

(6) A constable may, for the purpose of requiring a person to provide a specimen of breath under paragraph (2) in a case where he has reasonable cause to suspect that the accident involved injury to another person or of arresting him in such a case under paragraph (5), enter (if need be by force) any place where that person is or where the constable, with reasonable cause, suspects him to be.

(7) In this Article "traffic offence" means an offence under—

(a) any provision of this Order, or

(b) any provision of the Order of 1981 other than an offence under Article 132, 133, 136, or 137 of that Order**[**[F17] or**]**

[[F17](c) an offence under any provision of the Offenders Order except Part IV.**]**

F17 1996 NI 10

VALID FROM 15/11/2007

[[F18]**Preliminary breath test**

17A.—(1) A preliminary breath test is a procedure whereby the person to whom the test is administered provides a specimen of breath to be used for the purpose of obtaining, by means of a device of a type approved by the Department, an indication whether the proportion of alcohol in the person's breath or blood is likely to exceed the prescribed limit.

(2) A preliminary breath test administered in reliance on Article 17(2) to (4) may be administered only at or near the place where the requirement to co-operate with the test is imposed.

(3) A preliminary breath test administered in reliance on Article 17(5) may be administered–

(a) at or near the place where the requirement to co-operate with the test is imposed, or

(b) if the constable who imposes the requirement thinks it expedient, at a police station specified by him.

(4) For the purposes of paragraph (1) a device shall be treated as of a type approved by the Department where a statement that the Department has approved a device of that type is included in the Belfast Gazette.**]**

F18 Arts. 17 - 17E substituted (15.11.2007) for art. 17 by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), **14**; S.R. 2007/454, **art. 2**, Sch.

VALID FROM 15/11/2007

[F19 Preliminary impairment test

17B.—(1) A preliminary impairment test is a procedure whereby the constable administering the test–

(a) observes the person to whom the test is administered in his performance of tasks specified by the constable, and

(b) makes such other observations of the person's physical state as the constable thinks expedient.

(2) The Secretary of State shall issue (and may from time to time revise) a code of practice about–

(a) the kind of task that may be specified for the purpose of a preliminary impairment test,

(b) the kind of observation of physical state that may be made in the course of a preliminary impairment test,

(c) the manner in which a preliminary impairment test should be administered, and

(d) the inferences that may be drawn from observations made in the course of a preliminary impairment test.

(3) In issuing or revising the code of practice the Secretary of State shall aim to ensure that a preliminary impairment test is designed to indicate–

(a) whether a person is unfit to drive, and

(b) if he is, whether or not his unfitness is likely to be due to drink or drugs.

(4) A preliminary impairment test may be administered–

(a) at or near the place where the requirement to co-operate with the test is imposed, or

(b) if the constable who imposes the requirement thinks it expedient, at a police station specified by him.

(5) A constable administering a preliminary impairment test shall have regard to the code of practice under this Article.

(6) A constable may administer a preliminary impairment test only if he is approved for that purpose by the Chief Constable.

(7) A code of practice under this Article may include provision about–

(a) the giving of approval under paragraph (6), and

(b) in particular, the kind of training that a constable should have undergone, or the kind of qualification that a constable should possess, before being approved under that paragraph.**]**

F19 Arts. 17 - 17E substituted (15.11.2007) for art. 17 by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), **14**; S.R. 2007/454, **art. 2**, Sch.

Modifications etc. (not altering text)

C3 Art. 17B: functions transferred from Secretary of State to Department of Justice (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 4(1)(2), **Sch. 1** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

VALID FROM 15/11/2007

[F20Preliminary drug test

17C.—(1) A preliminary drug test is a procedure by which a specimen of sweat or saliva is–

(a) obtained, and

(b) used for the purpose of obtaining, by means of a device of a type approved by the Department, an indication whether the person to whom the test is administered has a drug in his body.

(2) A preliminary drug test may be administered–

(a) at or near the place where the requirement to co-operate with the test is imposed, or

(b) if the constable who imposes the requirement thinks it expedient, at a police station specified by him.

(3) For the purposes of paragraph (1)(b) a device shall be treated as of a type approved by the Department where a statement that the Department has approved a device of that type is included in the Belfast Gazette.**]**

F20 Arts. 17 - 17E substituted (15.11.2007) for art. 17 by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), **14**; S.R. 2007/454, **art. 2**, Sch.

VALID FROM 15/11/2007

Arrest

[F21 17D.—(1) A constable may arrest a person without warrant if as a result of a preliminary breath test the constable reasonably suspects that the proportion of alcohol in the person's breath or blood exceeds the prescribed limit.

(2) A constable may arrest a person without warrant if–

(a) the person fails to co-operate with a preliminary test in pursuance of a requirement imposed under Article 17, and

(b) the constable reasonably suspects that the person has alcohol or a drug in his body or is under the influence of a drug.

(3) A person may not be arrested under this Article while at a hospital as a patient.**]**

F21 Arts. 17 - 17E substituted (15.11.2007) for art. 17 by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), **14**; S.R. 2007/454, **art. 2**, Sch.

VALID FROM 15/11/2007

[F22Power of entry

17E. A constable may enter any place (using reasonable force if necessary) for the purpose of–

(a) imposing a requirement by virtue of Article 17(5) following an accident in a case where the constable reasonably suspects that the accident involved injury of any person, or

(b) arresting a person under Article 17D following an accident in a case where the constable reasonably suspects that the accident involved injury of any person.**]**

F22 Arts. 17 - 17E substituted (15.11.2007) for art. 17 by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), **14**; S.R. 2007/454, **art. 2**, Sch.

Provision of specimens for analysis

18.—(1) In the course of an investigation into whether a person has committed an offence under Article 14, 15 or 16 a constable may, subject to the following provisions of this Article and Article 20, require him—

(a) to provide 2 specimens of breath for analysis by means of a device of a type approved by the Head of the Department, or

(b) to provide a specimen of blood or urine for a laboratory test.

(2) A requirement under paragraph (1)(a) may be made to provide the specimens of breath—

(a) at or in the vicinity of the place where the requirement is made if facilities for the specimens to be taken are available and it is practicable to take them there, or

(b) at a police station.

(3) A requirement under paragraph (1)(a) may be made only by a constable who is especially authorised by the Chief Constable to make such requirements.

(4) A requirement under paragraph (1)(b) to provide a specimen of blood or urine can only be made at a police station or at a hospital; and it cannot be made at a police station unless—

(a) the constable making the requirement has reasonable cause to believe that a specimen of breath cannot be provided or should not be required, or

(b) at the time the requirement is made a device or a reliable device of the type mentioned in paragraph (1)(a) is not available at the police station or it is then for any other reason not practicable to use such a device there, or

[F23(bb) a device of the type mentioned in paragraph (1)(a) has been used in the circumstances described in paragraph (2) but the constable who required the specimens of breath has reasonable cause to believe that the device has not produced a reliable indication of the proportion of alcohol in the breath of the person concerned, or**]**

(c) the suspected offence is one under Article 14 or 15 and the constable making the requirement has been advised by a medical practitioner that the condition of the person required to provide the specimen might be due to some drug,

but may then be made notwithstanding that the person required to provide the specimen has already provided or been required to provide 2 specimens of breath.

(5) If the provision of a specimen other than a specimen of breath may be required in pursuance of this Article the question whether it is to be a specimen of blood or a specimen of urine**[**[F24] and, in the case of a specimen of blood, the question who is to be asked to take it shall be decided (subject to paragraph (5A)) by the constable making the requirement**]**.

[[F24](5A) Where a constable decides for the purposes of paragraph (5) to require the provision of a specimen of blood, there shall be no requirement to provide such a specimen if—

(a) the medical practitioner who is asked to take the specimen is of the opinion that, for medical reasons, it cannot or should not be taken; or

(b) the registered health care professional who is asked to take it is of that opinion and there is no contrary opinion from a medical practitioner;

and, where by virtue of this paragraph there can be no requirement to provide a specimen of blood, the constable may require a specimen of urine instead.**]**

(6) A specimen or urine shall be provided within one hour of the requirement for its provision being made and after the provision of a previous specimen of urine.

(7) A person who, without reasonable excuse, fails to provide a specimen when required to do so in pursuance of this Article is guilty of an offence.

(8) A constable must, on requiring any person to provide a specimen in pursuance of this Article, warn him that a failure to provide it may render him liable to prosecution.

(9) For the purposes of paragraph (1)(a) 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 included in the Belfast Gazette.

F23 1996 c.25
F24 2005 NI 15

[[F25]Specimens of blood taken from persons incapable of consenting

18A.—(1) A constable may make a request to a medical practitioner for him to take a specimen of blood from a person ("the person concerned") irrespective of whether that person consents if—

(a) that person is a person from whom the constable would (in the absence of any incapacity of that person and of any objection under Article 20) be entitled under Article 18 to require the provision of a specimen of blood for a laboratory test;

(b) it appears to that constable that that person has been involved in an accident that constitutes or is comprised in the matter that is under investigation or the circumstances of that matter;

(c) it appears to that constable that that person is or may be incapable (whether or not he has purported to do so) of giving a valid consent to the taking of a specimen of blood; and

(d) it appears to that constable that that person's incapacity is attributable to medical reasons.

(2) A request under this Article—

(a) shall not be made to a medical practitioner who for the time being has any responsibility (apart from the request) for the clinical care of the person concerned; and

(b) shall not be made to a medical practitioner other than a police medical practitioner unless—

(i) it is not reasonably practicable for the request to be made to a police medical practitioner; or

(ii) it is not reasonably practicable for such a medical practitioner (assuming him to be willing to do so) to take the specimen.

(3) It shall be lawful for a medical practitioner to whom a request is made under this Article, if he thinks fit—

(a) to take a specimen of blood from the person concerned irrespective of whether that person consents; and

(b) to provide the sample to a constable.

(4) If a specimen is taken in pursuance of a request under this Article, the specimen shall not be subjected to a laboratory test unless the person from whom it was taken—

(a) has been informed that it was taken; and

(b) has been required by a constable to give his permission for a laboratory test of the specimen; and

(c) has given his permission.

(5) A constable must, on requiring a person to give his permission for the purposes of this Article for a laboratory test of a specimen, warn that person that a failure to give the permission may render him liable to prosecution.

(6) A person who, without reasonable excuse, fails to give his permission for a laboratory test of a specimen of blood taken from him under this Article is guilty of an offence.

(7) In this Article "police medical practitioner" means a medical practitioner who is engaged under any agreement to provide medical services for purposes connected with the activities of the police.**]**

F25 2005 NI 15

Choice of specimens of breath

19.—(1) Subject to paragraph (2), of any 2 specimens of breath provided by any person in pursuance of Article 18, that with the lower proportion of alcohol in the breath shall be used and the other shall be disregarded.

(2) If the specimen with the lower proportion of alcohol contains no more than 50 microgrammes of alcohol in 100 millilitres of breath, the person who provided it may claim that it should be replaced by such specimen as may be required under Article 18(5) and, if he then provides such a specimen, neither specimen of breath shall be used.

(3) The Department may by regulations substitute another proportion of alcohol in the breath for that specified in paragraph (2).

Protection for hospital patients

20.—(1) While a person is at a hospital as a patient he shall not be required to provide a specimen of breath for a preliminary breath test or for analysis, or to provide a specimen of blood or urine for a laboratory test, unless the medical practitioner in immediate charge of his case has been notified of the proposal to make the requirement; and—

(a) if the requirement is then made, it shall be for the provision of a specimen at the hospital, but

(b) if the medical practitioner objects on the ground specified in paragraph (2), the requirement shall not be made.

[[F26](1A) While a person is at a hospital as a patient, no specimen of blood shall be taken from him under Article 18A and he shall not be required to give his permission for a laboratory test of a specimen taken under that Article unless the medical practitioner in immediate charge of his case—

(a) has been notified of the proposal to take the specimen or to make the requirement; and

(b) has not objected on the ground specified in paragraph (2).

(2) The ground on which the medical practitioner may object is—

(a) in a case falling within paragraph (1), that the requirement or the provision of the specimen or (if one is required) the warning required by Article 18(8) would be prejudicial to the proper care and treatment of the patient; and

(b) in a case falling within paragraph (1A), that the taking of the specimen, the requirement or the warning required by Article 18A(5) would be so prejudicial.**]**

F26 2005 NI 15

Detention of persons affected by alcohol or a drug

21.—(1) Subject to paragraphs (2) and (3), a person required to provide a specimen of breath, blood or urine may afterwards be detained at a police station until it appears to the constable that, were the person then driving or attempting to drive a mechanically propelled vehicle on a road, he would not be committing an offence under Article 15 or 16.

(2) A person shall not be detained in pursuance of this Article if it appears to a constable that there is no likelihood of his driving or attempting to drive a mechanically propelled vehicle whilst his ability to drive properly is impaired or whilst the proportion of alcohol in his breath, blood or urine exceeds the prescribed limit.

(3) A constable must consult a medical practitioner on any question arising under this Article whether a person's ability to drive properly is or might be impaired through drugs and must act on the medical practitioner's advice.

Authorised motoring events

Disapplication of Articles 9, 10 and 12 for authorised motoring events

22.—(1) A person shall not be guilty of an offence under Article 9, 10 and 12 by virtue of driving a vehicle in a public place other than a road if he shows that he was driving in accordance with an authorisation for a motoring event given under regulations made by the Department.

(2) Regulations under this Article may in particular—

(a) prescribe the persons by whom, and limit the circumstances in which and the places in respect of which, authorisations may be given under the regulations;

(b) specify conditions which must be included among those incorporated in authorisations;

(c) provide for authorisations to cease to have effect in prescribed circumstances;

(d) provide for the procedure to be followed, the particulars to be given, and the amount (or the persons who are to determine the amount) of any fees to be paid, in connection with applications for authorisations.

Protective measures: seat belts, helmets, etc.

Seat belts: adults

23.—(1) The Department may make regulations requiring, subject to such exceptions as may be prescribed, persons who are driving or riding in motor vehicles on a road to wear seat belts of such description as may be prescribed.

(2) Regulations under this Article—

(a) may make different provision in relation to different classes of vehicles, different descriptions of persons and different circumstances;

(b) may, for the purpose of implementing the seat belt Directive, authorise the wearing of a seat belt approved under the law of a member State other than the United Kingdom;

(c) shall include exceptions for—

(i) the users of vehicles constructed or adapted for the delivery of goods or mail to consumers or addressees, as the case may be, while engaged in making local rounds of deliveries;

(ii) the drivers of vehicles while performing a manoeuvre which includes reversing;

(iii) any person holding a valid certificate signed by a medical practitioner to the effect that it is inadvisable on medical grounds for him to wear a seat belt;

(d) shall, for the purpose of implementing the seat belt Directive, include an exception for any person holding a certificate to the like effect as that mentioned in sub-paragraph (c)(iii) which was issued in a member State other than the United Kingdom and which, under the law of that State, is valid for purposes corresponding to those of this Article;

(e) may make any prescribed exceptions subject to such conditions as may be prescribed; and

(f) may prescribe cases in which a fee of a prescribed amount may be charged on an application for any certificate required as a condition of any prescribed exception.

(3) A person who drives or rides in a motor vehicle in contravention of regulations under this Article is guilty of an offence; but notwithstanding any enactment or rule of law no person other than the person actually committing the contravention is guilty of an offence by reason of the contravention.

(4) If the holder of any such certificate as is referred to in paragraph (2)(c) or (d) is informed by a constable that he may be prosecuted for an offence under paragraph (3), he is not in proceedings for that offence entitled to rely on the exception afforded to him by the certificate unless—

(a) it is produced to the constable at the time he is so informed; or

(b) it is produced—

(i) within 7 days after the date on which he is so informed, or

(ii) as soon as is reasonably practicable,

at such police station as he may have specified to the constable; or

(c) where it is not produced at such police station, it is not reasonably practicable for it to be produced there before the day on which the day on which the proceedings are commenced.

(5) For the purposes of paragraph (4), the service of a summons on the accused shall be treated as the commencement of the proceedings.

(6) Regulations under this Article requiring the wearing of seat belts by persons riding in motor vehicles shall not apply to children under the age of 14 years.

(7) In this Article, "the seat belt Directive" means the Directive of the Council of the European Communities, dated 16th December 1991 (No.91/671/EEC), on the approximation of the laws of member States relating to compulsory use of safety belts in vehicles of less than 3.5 tonnes.

Restriction on carrying children not wearing seat belts in motor vehicles

24.—(1) Except as provided by regulations, where a child under the age of 14 years is in the front of a motor vehicle, a person must not without reasonable excuse drive the vehicle on a road unless the child is wearing a seat belt in conformity with regulations.

[[F27](1A) Where—

(a) a child is in the front of a motor vehicle other than a bus;

(b) the child is in a rear-facing child restraining device; and

(c) the passenger seat where the child is placed is protected by a front air bag,

a person must not without reasonable excuse drive the vehicle on a road unless the air bag is deactivated.**]**

(2) It is an offence for a person to drive a motor vehicle in contravention of paragraph (1) **[**[F28]or (1A)**]**.

[[F29](3) Except as provided by regulations, where—

(a) a child under the age of 3 years is in the rear of a motor vehicle; or

(b) a child of or over that age but under the age of 14 years is in the rear of a motor vehicle and any seat belt is fitted in the rear of that vehicle,

a person must not without reasonable excuse drive the vehicle on a road unless the child is wearing a seat belt in conformity with regulations.**]**

(4) Except as provided by regulations, where—

(a) a child who is under the age of 12 years and less than 150 centimetres in height is in the rear of a passenger car;

(b) no seat belt is fitted in the rear of the passenger car; and

(c) a seat in the front of the passenger car is provided with a seat belt but is not occupied by any person,

a person must not without reasonable excuse drive the passenger car on a road.

(5) It is an offence for a person to drive a motor vehicle in contravention of paragraph (3) or (4).

(6) Provision may be made by regulations—

(a) excepting from the prohibition in paragraph (1), (3) or (4) children of any prescribed description, vehicles of a prescribed class or the driving of vehicles in such circumstances as may be prescribed.

(b) defining in relation to any class of vehicle what part of the vehicle is to be regarded as the front of the vehicle for the purposes of paragraph (1) or (4) or as the rear of the vehicle for the purposes of paragraph (3) or (4);

(c) prescribing for the purposes of paragraph (1) or (3) the descriptions of seat belt to be worn by children of any prescribed description and the manner in which such seat belt is to be fixed and used.

(7) Without prejudice to the generality of paragraph (6), regulations made by virtue of sub-paragraph (c) of that paragraph may, for the purpose of implementing the seat belt Directive,—

(a) make different provision in relation to different vehicles and different circumstances;

(b) authorise the wearing of a seat belt approved under the law of any member State other than the United Kingdom.

(8) Regulations made for the purposes of paragraph (3) or (4)—

(a) shall include an exemption for any child holding a valid certificate signed by a medical practitioner to the effect that it is inadvisable on medical grounds for him to wear a seat belt; and

(b) shall, for the purpose of implementing the seat belt Directive, include an exemption for any child holding a certificate to the like effect which was issued in any member State other than the United Kingdom and which, under the law of that state, is valid for purposes corresponding to those of this Article,

but such regulations may, for the purpose of implementing that Directive, make either of those exemptions subject to such conditions as may be prescribed.

(9) If the driver of a motor vehicle is informed by a constable that he may be prosecuted for an offence under paragraph (5), he is not in proceedings for that offence entitled to rely on a exception afforded to a child by a certificate referred to in paragraph (8) unless—

(a) it is produced to the constable at the time he is so informed, or

(b) it is produced—

(i) within 7 days after the date on which he is so informed, or

(ii) as soon as is reasonably practicable,

at such police station as he may have specified to the constable, or

(c) where it is not produced at such police station, it is not reasonably practicable for it to be produced there before the day on which the proceedings are commenced.

(10) For the purposes of paragraph (9), the service of a summons on the accused shall be treated as the commencement of the proceedings.

(11) In this Article—

[[F30]"bus" means a motor vehicle that—

(a) has at least four wheels,

(b) is constructed or adapted for the carriage of passengers,

(c) has more than eight seats in addition to the driver's seat, and

(d) has a maximum design speed exceeding 25 kilometres per hour;**]**

"maximum laden weight" in relation to a vehicle means—

(a) in the case of a vehicle in respect of which a gross weight not to be exceeded is specified in construction and use requirements, that weight; or

(b) in the case of a vehicle in respect of which no such weight is specified in construction and use requirements, the weight which the vehicle is designed or adapted not to exceed when in normal use and travelling on a road laden,

and in sub-paragraphs (a) and (b), the expression "construction and use requirements" has the meaning given in Article 53;

"passenger car" means a motor vehicle which—

(a) is constructed or adapted for use for the carriage of passengers and is not a goods vehicle,

(b) has no more than 8 seats in addition to the driver's seat,

(c) has 4 or more wheels,

(d) has a maximum design in speed exceeding 25 kilometres per hour, and

(e) has a maximum laden weight not exceeding 3.5 tonnes;

"regulations" means regulations made by the Department under this Article;

"seat belt" includes any description of restraining device for a child and any reference to wearing a seat belt shall be construed accordingly; and

"the seat belt Directive" has the same meaning as in Article 23.

[[F31](12) The reference in paragraph (1A) to the air bag being deactivated includes a reference to the case where the air bag is designed or adapted in such a way that it cannot inflate enough to pose a risk of injury to a child travelling in a rear-facing child restraining device in the seat in question.**]**

F27 Art. 24(1A) inserted (27.2.2007) by Motor Vehicles (Wearing of Seat Belts) (Amendment) Regulations (Northern Ireland) 2007 (S.R. 2007/7), **reg. 4(1)**

F28 Words in art. 24(2) inserted (27.2.2007) by Motor Vehicles (Wearing of Seat Belts) (Amendment) Regulations (Northern Ireland) 2007 (S.R. 2007/7), **reg. 4(2)**

F29 Art. 24(3) substituted (27.2.2007) by Motor Vehicles (Wearing of Seat Belts) (Amendment) Regulations (Northern Ireland) 2007 (S.R. 2007/7), **reg. 4(3)**

F30 Art. 24(11): definition of "bus" inserted (27.2.2007) by Motor Vehicles (Wearing of Seat Belts) (Amendment) Regulations (Northern Ireland) 2007 (S.R. 2007/7), **reg. 4(4)**

F31 Art. 24(12) inserted (27.2.2007) by Motor Vehicles (Wearing of Seat Belts) (Amendment) Regulations (Northern Ireland) 2007 (S.R. 2007/7), **reg. 4(5)**

Modifications etc. (not altering text)

C4 Art. 24(1) excluded by S.R. 1993/363, reg. 7(1)(1A) (as substituted (27.2.2007) by Motor Vehicles (Wearing of Seat Belts by Children in Front Seats) (Amendment) Regulations (Northern Ireland) 2007 (S.R. 2007/9), **reg. 6**)

C5 Art. 24(3)(4) excluded by S.R. 1993/362, reg. 10(1) (as substituted (27.2.2007) by Motor Vehicles (Wearing of Seat Belts) (Amendment No. 2) Regulations (Northern Ireland) 2007 (S.R. 2007/8), **reg. 9**)

C6 Art. 24(3) excluded by S.R. 1993/362, reg. 10(2) (as substituted (27.2.2007) by Motor Vehicles (Wearing of Seat Belts) (Amendment No. 2) Regulations (Northern Ireland) 2007 (S.R. 2007/8), **reg. 9**)

C7 Art. 24(3) excluded by S.R. 1993/362, reg. 10(3) (as substituted (27.2.2007) by Motor Vehicles (Wearing of Seat Belts) (Amendment No. 2) Regulations (Northern Ireland) 2007 (S.R. 2007/8), **reg. 9**)

C8 Art. 24(3) excluded by S.R. 1993/362, reg. 10(5) (as substituted (27.2.2007) by Motor Vehicles (Wearing of Seat Belts) (Amendment No. 2) Regulations (Northern Ireland) 2007 (S.R. 2007/8), **reg. 9**)

[[F32]**Requirement to notify bus passengers to wear seat belts**

24A.—(1) Subject to paragraph (6), the operator of a bus in which any of the passenger seats are equipped with seat belts shall take all reasonable steps to ensure that every passenger is notified that he is required to wear a seat belt at all times when—

(a) he is in a seat equipped with a seat belt; and

(b) the bus is in motion.

(2) For the purposes of paragraph (1) a passenger may be notified only by one or more of the following means—

(a) an official announcement, or an audio-visual presentation, made when the passenger joins the bus or within a reasonable time of his doing so;

(b) a sign prominently displayed at each passenger seat equipped with a seat belt.

(3) For the purposes of paragraph (2)—

(a) "official announcement" means an announcement by the driver of the bus, by a conductor or courier or by a person who is a group leader in relation to any group of persons who are passengers on the bus; and

(b) a sign that takes the form of a pictorial symbol must be in the form shown in Schedule 2A, depicting a white figure on a blue background.

(4) An operator who fails to comply with paragraph (1) is guilty of an offence.

(5) Paragraph (1) does not apply in relation to a bus—

(a) which is being used to provide a local service within the meaning of Article 24B in a built-up area; or

(b) which is constructed or adapted for the carriage of standing passengers and on which the operator permits standing.

For the purposes of sub-paragraph (a), a local service is provided in a built up area if the entire route used by that service consists of restricted roads.

(6) In this Article—

"bus" has the same meaning as in Article 24;

"operator", in relation to a bus, means—

(a) the owner of the bus; or

(b) if the bus is in the possession of any other person under an agreement for hire, hire-purchase, conditional sale, loan or otherwise, that person;

"passenger seat", in relation to a bus, means any seat other than the driver's seat;

"restricted road" means a road that is restricted for the purposes of Article 36 of the Road Traffic Regulation (Northern Ireland) Order 1997 (other than a road restricted by an order made under Article 37(3)(a) of that Order) or would be so restricted but for an order under Article 37(3)(b) or an order under Article 38(1)(a) of that Order.

F32 Arts. 24A - 24B inserted (27.2.2007) by Motor Vehicles (Wearing of Seat Belts) (Amendment) Regulations (Northern Ireland) 2007 (S.R. 2007/7), **reg. 5**

Local Service

24B.—(1) In Article 24A "local service" means a service using one or more buses, for the carriage of passengers by road at separate fares other than one—

(a) which is excluded by paragraph (4); or

(b) in relation to which (except in an emergency) one or both of the conditions in paragraph (2) are met with respect to every passenger using the service.

(2) The conditions are that—

(a) the place where he is set down is fifteen miles or more, measured in a straight line, from the place where he was taken up;

(b) some point on the route between those places is fifteen miles or more, measured in a straight line, from either of those places.

(3) Where a service consists of one or more parts with respect to which one or both of the conditions are met, and one or more of the parts with respect to which neither of them is met, each of those parts shall be treated as a separate service for the purposes of paragraph (1).

(4) A service shall not be regarded for the purposes of Article 24A as a local service if—

(a) the conditions set out in paragraphs (5) to (8) (trips organised privately by persons acting independently of public service vehicle operators) are met in respect of each journey by the vehicles used in providing the service; or

(b) every vehicle used in providing the service is so used under a permit granted under Section 10B of the Transport Act (Northern Ireland) 1967.

(5) The arrangements for the bringing together of all the passengers for the purpose of making the journey must have been made otherwise than by, or by a person acting on behalf of—

(a) the holder of the Road Service licence under which the vehicle is to be used, if such a licence is in force;

(b) the driver or the owner of the vehicle or any person who has made the vehicle available under any arrangement, if no such licence is in force,

and otherwise than by any person who receives any remuneration in respect of the arrangements.

(6) The journey must be made without previous advertisement to the public of the arrangements therefor.

(7) All the passengers must, in the case of a journey to a particular destination, be carried to, or to the vicinity of, that destination, or, in the case of a tour, be carried for the greater part of the journey.

(8) No differentiation of fares for the journey on the basis of distance or time must be made.

(9) For the purposes of this Article—

(a) a payment made for the carrying of a passenger shall be treated as a fare notwithstanding that it is made in consideration of other matters in addition to the journey and irrespective of the person by or to whom it is made;

(b) a payment shall be treated as made for the carrying of a passenger if made in consideration of a person being given a right to be carried, whether for one or more journeys and whether or not the right is exercised; and

(c) where a fare is paid for the carriage of a passenger on a journey by air, no part of that fare shall be treated for the purposes of sub-paragraphs (a) and (b) above as paid in consideration of the carriage of the passenger by road by reason of the fact that, in case of mechanical failure, bad weather or other circumstances outside the operator's control, part of that journey may be made by road.**]**

F32 Arts. 24A - 24B inserted (27.2.2007) by Motor Vehicles (Wearing of Seat Belts) (Amendment) Regulations (Northern Ireland) 2007 (S.R. 2007/7), **reg. 5**

Payments in respect of applicants for exemption from wearing seat belts

25.—(1) The Department may make payments in respect of the examination of applicants falling within any class mentioned in paragraph (2) being applicants for medical certificates required as a condition of any exception prescribed by regulations under Article 23 or 24 (wearing of seat belts).

(2) The classes referred to in paragraph (1) are—

(a) those in receipt of—

(i) attendance allowance under section 64 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992[F33];

(ii) a disability living allowance under section 71 of that Act;

(iii) disablement pension under section 103 of that Act at a weekly rate increased by virtue of section 104(1) of that Act (constant attendance needed);

(iv) an allowance under Article 14 of the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1983[F34] (constant attendance allowance);

(v) a mobility supplement under a scheme made under the Personal Injuries (Emergency Provisions) Act 1939[F35] or under an Order in Council made under section 12 of the Social Security (Miscellaneous Provisions) Act 1977[F36] (war pensioners' mobility supplement); or

(vi) a disability pension paid by the Secretary of State for Defence on account of disability attributable to injury sustained after 30th September 1921 but before 3rd September 1939 together with a mobility supplement paid under the Naval and Marine Pay and Pensions (Disablement Awards) (No. 2) Order 1984 or under Royal Warrant dated 30th December 1949 or under Queen's Regulations for the Royal Air Force;

(b) those in receipt of income support,**[**[F37] an income-based jobseeker's allowance within the meaning of the Jobseekers (Northern Ireland) Order 1995**][**[F38] any element of child tax credit other than the family element or working tax credit**]** and their dependants; and

[[F39](bb) those in receipt of guarantee state pension credit (under section 1(3)(a) of the State Pension Credit Act (Northern Ireland) 2002) and those persons who (within the meaning of that Act) are members of a**[**[F40] couple**]** the other member of which is in receipt of guarantee state pension credit;**]**

(c) those whose names are in the register of disabled persons maintained under section 6 of the Disabled Persons (Employment) Act (Northern Ireland) 1945[F41].

(3) The Department may by order amend paragraph (2) (whether as originally enacted or as previously amended under this paragraph) so as to omit any of the classes mentioned in that paragraph or add to or substitute for any of those classes other classes of any description.

F33 1992 c. 7
F34 SI 1983/883
F35 1939 c. 82
F36 1977 c. 5
F37 SR 1996/146
F38 2002 c. 21
F39 2002 c. 14 (NI)
F40 SR 2005/479
F41 1945 c. 6 (NI)

Safety equipment for children in motor vehicles

26.—(1) The Department may make regulations prescribing (by reference to shape, construction or any other quality) types of equipment of any description to which this Article applies that are recommended as conducive to the safety in the event of accident of prescribed classes of children in prescribed classes of motor vehicles.

(2) Regulations under this Article may make provision for securing that when equipment of a type prescribed by the regulations is sold, or offered or exposed for sale, as equipment which is so conducive—

(a) appropriate information is provided in relation to it in such manner as may be prescribed; and

(b) inappropriate information is not provided in relation to it.

(3) Except in such circumstances as may be prescribed, if a person sells, or offers or exposes for sale, equipment of any description for which a type is prescribed under this Article as equipment which is so conducive and that equipment

(a) is not of a type so prescribed, or

(b) is sold, or offered or exposed for sale, in contravention of regulations under this Article,

he is, subject to paragraph (5), guilty of an offence.

(4) Except in such circumstances as may be prescribed, if a person sells, or offers or exposes for sale, equipment of any description for which a type is prescribed under this Article as equipment conducive to the safety in the event of accident

(a) of children not of a class prescribed in relation to equipment of that type, or

(b) of children in motor vehicles not of a class prescribed in relation to equipment of that type,

he is, subject to paragraph (5), guilty of an offence.

(5) A person shall not be convicted of an offence under this Article in respect of the sale, or offering or exposing for sale, of equipment if he proves that it was sold or, as the case may be, offered or exposed for sale for export from Northern Ireland.

(6) The provisions of Schedule 1 shall have effect in relation to contraventions of this Article.

(7) This Article applies to equipment of any description for use in a motor vehicle consisting of—

(a) a restraining device for a child or for a carry-cot, or

(b) equipment designed for use by a child in conjunction with any description of restraining device.

(8) References in this Article to selling or sale include references to letting on hire and offering or exposing for sale shall be construed accordingly.

Wearing of protective headgear

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

(2) A requirement imposed by regulations under this Article shall not apply to any follower of the Sikh religion while he is wearing a turban.

(3) A person who drives or rides on a motor cycle in contravention of regulations under this Article is guilty of an offence; but notwithstanding any enactment or rule of law no person other than the person actually committing the contravention is guilty of an offence by reason of the contravention unless the person actually committing the contravention is a child under the age of 16 years.

Protective helmets for motor cyclists

28.—(1) The Department may make regulations prescribing (by reference to shape, construction or any other quality) types of helmet recommended as affording protection to persons on or in motor cycles, or motor cycles of different classes, from injury in the event of accident.

(2) If a person sells, or offers or exposes for sale, a helmet as a helmet for affording such protection and the helmet is neither—

(a) of a type prescribed under this Article, nor

(b) of a type authorised under regulations made under this Article and sold, or offered or exposed for sale, subject to any conditions specified in the authorisation,

subject to paragraph (3), he is guilty of an offence.

(3) A person shall not be convicted of an offence under this Article in respect of the sale, or offering or exposing for sale, of a helmet 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 1 shall have effect in relation to contraventions of this Article.

(5) In this Article and Schedule 1 "helmet" includes any head-dress, and references to selling or sale shall include references to letting on hire and references to offering or exposing for sale shall be construed accordingly.

Authorisation of head-worn appliances for use on motor cycles

29.—(1) The Department may make regulations prescribing (by reference to shape, construction or any other quality) types of appliance of any description to which this Article applies as authorised for use by persons driving or riding (otherwise than in sidecars) on motor cycles of any class specified in the regulations.

(2) Regulations under this Article may impose restrictions or requirements with respect to the circumstances in which appliances of any type prescribed by the regulations may be used.

(3) If a person driving or riding on a motor cycle on a road uses an appliance of any description for which a type is prescribed under this Article and that appliance—

(a) is not of a type so prescribed, or

(b) is otherwise used in contravention of regulations under this Article,

he is guilty of an offence.

(4) If a person sells, or offers or exposes for sale, an appliance of any such description as authorised for use by persons on or in motor cycles, or motor cycles of any class, and that appliance is not of a type prescribed under this Article as authorised for such use, he is, subject to paragraph (5), guilty of an offence.

(5) A person shall not be convicted of an offence under this Article in respect of the sale, or offering or exposing for sale, of an appliance if he proves that it was sold or, as the case may be, offered or exposed for sale for export from Northern Ireland.

(6) The provisions of Schedule 1 shall have effect in relation to contravention of paragraph (4).

(7) This Article applies to appliances of any description designed or adapted for use—

(a) with any headgear, or

(b) by being attached to or placed upon the head,

(as, for example, eye protectors or earphones).

(8) References in this Article to selling or sale include references to letting on hire and references to offering or exposing for sale shall be construed accordingly.

Stopping on verges, etc., or in dangerous positions, etc.

Prohibition of parking of heavy commercial vehicles on verges, central reservations and footways

30.—(1) Subject to paragraph (2), a person who parks a heavy commercial vehicle (as defined in Article 31) wholly or partly—

(a) on the verge of a road, or

(b) on any land situated between two carriageways and which is not a footway, or

(c) on a footway,

is guilty of an offence.

(2) A person shall not be convicted of an offence under this Article in respect of a vehicle if he proves to the satisfaction of the court—

(a) that it was parked in accordance with permission given by a constable in uniform or a traffic warden;

(b) that it was parked in contravention of this Article for the purpose of saving life, extinguishing fire or meeting any other like emergency, or because of circumstances beyond the control of the person in charge of the vehicle; or

(c) that it was parked in contravention of this Article but 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; and

(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 while it was so parked.

(4) In this Article—

"road", without prejudice to any provision made under Article 20 of the Roads (Northern Ireland) Order 1993[F42], 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

F42 1993 NI 15

Definition of "heavy commercial vehicle" for the purposes of Article 30

31 [F43]**.**—(1) In Article 30 "heavy commercial vehicle" means any goods vehicle which has an operating weight exceeding 7.5 tonnes.

(2) The operating weight of a goods vehicle for the purposes of this Article is

(a) in the case of a motor vehicle not drawing a trailer or in the case of a trailer, its maximum laden weight;

(b) in the case of an articulated vehicle, its maximum laden weight (if it has one) and otherwise the aggregate maximum laden weight of all the individual vehicles forming part of that articulated vehicle; and

(c) in the case of a motor vehicle (other than an articulated vehicle) drawing one or more trailers, the aggregate maximum laden weight of the motor vehicle and the trailer or trailers attached to it.

(3) In this Article "articulated vehicle" means a motor vehicle with a trailer so attached to it as to be partially superimposed upon it; and references to the maximum laden weight of a vehicle are references to the total laden weight which must not be exceeded in the case of that vehicle if it is to be used in Northern Ireland without contravening any regulations for the time being in force under Article 55.

(4) In this Article, and in the definition of "goods vehicle" in Article 2(2) as it applies for the purposes of this Article, "trailer" means any vehicle other than a motor vehicle.

(5) The Department may by regulations amend paragraphs (1) and (2) (whether as originally enacted or as previously amended under this paragraph)—

(a) by substituting weights of a different description for any of the weights there mentioned;

(b) in the case of paragraph (1), by substituting a weight of a different description or amount, or a weight different both in description and amount, for the weight there mentioned.

(6) Without prejudice to section 17(5) of the Interpretation Act (Northern Ireland) 1954[F44], different regulations may be made under paragraph (5) as respects different classes of vehicles or as respects the same class of vehicles in different circumstances and as respects different times of the day or night and as respects different localities.

(7) Regulations under paragraph (5) shall not so amend paragraph (1) that there is any case in which a goods vehicle whose operating weight (ascertained in accordance with paragraph (2) as originally enacted) does not exceed 7.5 tonnes is a heavy commercial vehicle for any of the purposes of Article 30.

F43 functions transf. SR 2001/229
F44 1954 c.33 (NI)

Leaving vehicles in dangerous positions

32. If a person in charge of a vehicle causes or permits the vehicle or a trailer drawn by it to remain at rest on a road in such a position or in such condition or in such circumstances as to**[**[F45] involve a danger of injury to other persons using the road**]**, he is guilty of an offence.

F45 1996 NI 10

Danger to road-users

Causing danger to road-users

33.—(1) A person is guilty of an offence if he intentionally and without lawful authority or reasonable cause—

(a) causes anything to be on or over a road; or

(b) interferes with a motor vehicle, trailer or cycle; or

(c) interferes (directly or indirectly) with traffic equipment,

in such circumstances that it would be obvious to a reasonable person that to do so would be dangerous.

(2) In paragraph (1) "dangerous" refers to danger either of injury to any person while on or near a road, or of serious damage to property on or near a road; and in determining for the purposes of that paragraph that would be obvious to a reasonable person in a particular case, regard shall be had not only to the circumstances of which he could be expected to be aware but also to any circumstances shown to have been within the knowledge of the accused.

(3 [F46] In paragraph (1) "traffic equipment" means—

(a) anything lawfully placed on or near a road by, or on behalf of, the Department;

(b) a traffic sign lawfully placed on or near a road by a person other than the Department;

(c) any fence, barrier or light lawfully placed on or near a road—

(i) by a person other than the Department in connection with the execution of works of any description on or in a road; or

(ii) by a constable or a person acting under the instructions or directions (whether general or specific) of the Chief Constable.

(4) For the purposes of paragraph (3) anything placed on or near a road shall unless the contrary is proved be deemed to have been lawfully placed there.

(5) In this Article "road" does not include a footpath, public path or other public right of way.

F46 functions transf. SR 2001/229

Other restrictions in interests of safety

Restrictions of carriage of persons on motor bicycles

34.—(1) Not more than one person in addition to the driver may be carried on a motor bicycle.

(2) No person in addition to the driver may be carried on a motor bicycle otherwise than sitting astride the motor bicycle and on a proper seat securely fixed to the motor cycle behind the driver's seat.

(3) If a person is carried on a motor bicycle in contravention of this Article, the driver of the motor cycle is guilty of an offence.

Restrictions of carriage of persons on bicycles

35.—(1) Not more than one person may be carried on a road on a bicycle not propelled by mechanical power unless it is constructed or adapted for the carriage of more than one person.

(2) In this Article references to a person carried on a bicycle include references to a person riding the bicycle.

(3) If a person is carried on a bicycle in contravention of paragraph (1), each of the persons carried is guilty of an offence.

Tampering with motor vehicles

36. If, while a motor vehicle is on a road or other public place, a person—

(a) gets on to the vehicle; or

(b) tampers with any part of the vehicle or its equipment,

without lawful authority or reasonable cause, he is guilty of an offence.

Holding or getting on to vehicle in order to be towed or carried

37.—(1) If, for the purpose of being carried, a person without lawful authority or reasonable cause takes or retains hold of, or gets on to, a motor vehicle or trailer while in motion on a road he is guilty of an offence.

(2) If, for the purpose of being drawn, a person takes or retains hold of a motor vehicle or trailer while in motion on a road he is guilty of an offence.

Pedestrian endangering own safety or that of others

38. If a pedestrian through his own negligence on a road endangers his own safety, or that of any other person, he is guilty of an offence.

Passing with a led horse

39.—(1) A 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 vehicle is passing him.

(2) A person who contravenes paragraph (1) is guilty of an offence.

Drunkenness, etc., in charge of horse-drawn vehicle

40.—(1) A person who when driving, attempting to drive or in charge of, a vehicle drawn by a horse or other animal on a road or other public place, is unfit to drive through drink or drugs (that is to say, is under the influence of drink or a drug to such extent as to be incapable of having proper control of the vehicle), is guilty of an offence.

(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[F47] (being drunk while in charge in a road or other public place of an animal).

F47 1980 NI 6

Careless, and inconsiderate, driving of horse-drawn vehicle

41. If a person drives a vehicle drawn by a horse or other animal on a road or other public place without due care and attention, or without reasonable consideration for other persons using the road or place, he is guilty of an offence.

Cycling offences and cycle racing

Dangerous cycling

42.—(1) A person who rides a cycle dangerously on a road or other public place is guilty of an offence.

(2) For the purposes of paragraph (1), a person is to be regarded as riding dangerously if (and only if)—

(a) the way he rides falls far below what would be expected of a competent and careful cyclist; and

(b) it would be obvious to a competent and careful cyclist that riding in that way would be dangerous.

(3) In paragraph (2) "dangerous" refers to danger either of injury to any person or of serious damage to property; and in determining for the purposes of that paragraph what would be obvious to a competent and careful cyclist in a particular case, regard shall be had not only to the circumstances of which he could be expected to be aware but also to any circumstances shown to have been within the knowledge of the accused.

Careless, and inconsiderate, cycling

43. If a person rides a cycle on a road or other public place without due care and attention, or without reasonable consideration for other persons using the road or place, he is guilty of an offence.

Cycling when under influence of drink or drugs

44. A person who, when riding a cycle on a road or other public place, is unfit to ride through drink or drugs (that is to say, is under the influence of drink or a drug to such an extent as to be incapable of having proper control of the cycle) is guilty of an offence.

Regulation of cycle racing on public roads

45 [F48]**.**—(1) A person who promotes or takes part in a race or trial of speed on a public road between cycles is guilty of an offence, unless the race or trial

(a) is authorised; and

(b) is conducted in accordance with any conditions imposed, by or under regulations under this Article.

(2) The Department may by regulations authorise, or provide for authorising, for the purposes of paragraph (1), the holding on a public road

(a) of races or trials of speed of any class or description; or

(b) of a particular race or trial of speed,

in such cases as may be prescribed and subject to such conditions as may be imposed by or under the regulations.

(3) Regulations under this Article may prescribe the procedure to be followed, and the particulars to be given, in connection with applications for authorisation under the regulations.

(4) Without prejudice to any other powers exercisable in that behalf, the Chief Constable may give directions with respect to the movement of, or the route to be followed by, vehicular and other traffic during any period, being directions which it is necessary or expedient to give in ration to that period to prevent or mitigate—

(a) congestion or obstruction of traffic; or

(b) danger to or from traffic,

in consequence of the holding of a race or trial of speed authorised by or under regulations under this Article.

(5) Directions under paragraph (4) may include a direction that any road or part of a road specified in the direction shall be closed during the period to such traffic or to such classes or descriptions of traffic as may be so specified.

(6) A person who wilfully contravenes any direction given under paragraph (4) is guilty of an offence.

F48 functions transf. SR 2001/229

Electrically assisted pedal cycles

46.—(1) An electrically assisted pedal cycle of a class specified in regulations made for the purposes of Article 6 shall not be driven on a road by a person under the age of 14.

(2) A person who—

(a) drives such a pedal cycle; or

(b) knowing or suspecting that another person is under the age of 14, causes or permits him to drive such a pedal cycle,

in contravention of paragraph (1), is guilty of an offence.

Use of motor vehicle etc., away from roads

Control of use of public paths, etc., for motor vehicle trials

47.—(1) A person must not promote or take part in a trial of any description between motor vehicles on a public path or other public right of way unless the holding of the trial has been authorised under this Article by the district council.

(2) A district council shall not give an authorisation under this Article unless satisfied that consent in writing to the use of any length of public path or other public right of way for the purposes of the trial has been given by the owner and by the occupier of the land over which that length of public path or other public right of way runs, and any such authorisation may be given subject to compliance with such conditions as the district council thinks fit.

(3) A person who—

(a) contravenes paragraph (1); or

(b) fails to comply with any conditions subject to which an authorisation under this Article has been granted,

is guilty of an offence.

(4) The holding of a trial authorised under this Article is not affected by any statutory provision prohibiting or restricting the use of public paths or other public rights of way or a specified public path or other public right of way; but this Article does not prejudice any right or remedy of a person as having any interest in land.

(5) In the case of a public path or other public right of way which runs over Crown land, the reference in paragraph (2) to the owner of the land shall be construed as a reference to the appropriate authority.

(6) In paragraph (5) "Crown land" and "appropriate authority" have the same meaning as in Article 53 of the Access to the Countryside (Northern Ireland) Order 1983[F49].

F49 1983 NI 18

Prohibition of driving mechanically propelled vehicles elsewhere than on roads

48.—(1) Subject to the provisions of this Article, if without lawful authority or reasonable excuse a person drives a mechanically propelled vehicle on to or upon any land in the open air, being land to which the public has or is permitted to have access (whether on payment of a fee or otherwise), he is guilty of an offence.

(2) For the purposes of paragraph (1) "land in the open air" includes a place partly open to the air.

(3) In this Article "land" does not include land forming part of—

(a) a road, or

(b) a public place,

on or over which motor vehicles may lawfully be driven.

(4) It is not an offence under this Article to drive a mechanically propelled vehicle on any land within 15 metres of a road, being a road on which a motor vehicle may lawfully be driven, for the purpose only of parking the vehicle on that land.

(5) It is hereby declared that nothing in this Article prejudices the operation of any byelaws applying to any land, or affects the law of trespass to land or any right or remedy to which a person may by law be entitled in respect of any such trespass or in particular confers a right to park a vehicle on any land.

Traffic directions and traffic signs

[F50Contravention of directions

49.—(1) If a person, without reasonable excuse, contravenes a direction given by a constable in uniform carrying out functions under the Road Traffic Orders, he is guilty of an offence.

(2) A constable in uniform giving a 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 paragraph (1) to be carrying out functions under the Orders referred to in paragraph (1).

(3) The power to give a direction 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.

(4) In paragraphs (2) and (3) "direction" means a direction—

(a) to stop a vehicle;

(b) to make it proceed in, or keep to, a particular line of traffic; or

(c) 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 requiring any person to furnish any information for the purposes of a traffic survey.**]**

F50 1997 NI 2

Modifications etc. (not altering text)

C9 Art. 49 modified by 2003 (c. 6), Sch. 2A para. 13(3) (as inserted (22.4.2007) by Policing (Miscellaneous Provisions) (Northern Ireland) Order 2007 (S.I. 2007/912 (N.I. 6)), arts. 1(3), 7(8), **Sch. 5**)

[F51Contravention of traffic signs

F52**50.**—(1) If a person, without reasonable excuse, contravenes an indication given by a traffic sign which is—

(a) of the prescribed size, colour and type, or

(b) of another character authorised by the Department under Article 28 of the Road Traffic Regulation (Northern Ireland) Order 1997,

and which has been lawfully placed on or near a road, except where that indication is at variance with an indication given by a constable in uniform, he is guilty of an offence.

(2) A traffic sign shall not be treated for the purposes of this Article as having been lawfully placed unless either—

(a) the indication given by the sign is an indication of a statutory prohibition, restriction or requirement, or

(b) it is expressly provided by or under any provision of the Road Traffic Orders that this Article shall apply to the sign or to signs of a type of which the sign is one;

and, where the indication mentioned in sub-paragraph (a) is of the general nature only of the prohibition, restriction or requirement to which the sign relates, a person shall not be convicted of failure to comply with the indication unless he has failed to comply with the prohibition, restriction or requirement to which the sign relates.

(3) For the purposes of this Article a traffic sign placed on or near a road shall be deemed—

(a) to be of the prescribed size, colour and type, or of another character authorised by the Department under Article 28 of the Road Traffic Regulation (Northern Ireland) Order 1997, and

(b) (subject to paragraph (2)) to have been lawfully so placed,

unless the contrary is proved.

(4) Where a traffic survey of any description is carried out on or in the vicinity of a road, this Article applies to a traffic sign by which a direction (as defined in Article 49(4)) is given for the purposes of the survey.

(5) The Department may make regulations specifying any traffic sign for the purposes of column (5) of the entry in Schedule 1 to the Offenders Order relating to offences under this Article (offences committed by contravention of certain traffic signs involve discretionary disqualification).**]**

F51 1997 NI 2
F52 functions transf. SR 2001/229

Modifications etc. (not altering text)

C10 Art. 50 applied by 2003 (c. 6), Sch. 2A para. 13(5) (as inserted (22.4.2007) by Policing (Miscellaneous Provisions) (Northern Ireland) Order 2007 (S.I. 2007/912 (N.I. 6)), arts. 1(3), 7(8), **Sch. 5**)

Promotion of road safety

Highway Code

51.—(1) The Highway Code shall continue to have effect, subject however to revision in accordance with the following provisions of this Article.

(2) Subject to the following provisions of this Article, the Department may revise the Highway Code by revoking, varying, amending or adding to the provisions of the Code in such manner as it thinks fit.

(3) Where the Department proposes to revise the Highway Code by making any alterations in the provisions of the Code (other than alterations merely consequential on the passing, amendment or repeal of any statutory provision) the proposed revision shall, as soon as it is prepared by the Department, be subject to negative resolution.

(4) Before revising the Highway Code by making any alterations in its provisions, which under paragraph (3) are subject to negative resolution, the Department must consult with such representative organisations as it thinks fit.

(5) The Department must cause the Highway Code to be printed and may cause copies of it to be sold to the public at such price as the Department may determine.

(6) 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 the Road Traffic Orders) 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.

(7) In this Article "the Highway Code" means the code comprising directions for the guidance of persons using roads issued under Article 130 of the Order of 1981, as from time to time revised under this Article or under any previous enactment.

Powers of Department as to giving road safety information and training

52.—(1) The Department may, with the approval of the Department of Finance and Personnel, provide for promoting road safety by disseminating information or advice relating to the use of roads.

(2) The Department must prepare and carry out a programme of measures designed to promote road safety and may, with the approval of the Department of Finance and Personnel, make contributions towards the cost of measures for promoting road safety, being measures taken by any authority, body or person.

(3) Without prejudice to the generality of paragraph (2), in pursuance of its duty under that paragraph the Department—

(a) must carry out studies into accidents arising out of the use of vehicles on roads or parts of roads;

(b) must, in the light of those studies, take such measures as appear to the Department to be appropriate to prevent such accidents, including the dissemination of information and advice relating to the use of roads, the giving, or making arrangements for the giving, of practical training to road users or any class or description of road users, the construction, improvement, maintenance or repair of roads which are maintainable by the Department, and other measures taken in the exercise of the Department's powers for controlling, protecting or assisting the movement of traffic on roads; and

(c) in constructing new roads, must take such measures as appear to the Department to be appropriate to reduce the possibilities of such accidents when the roads come into use.

VALID FROM 27/06/2007

[[F53]Functions of Department for Regional Development as to road safety

52A.—(1) The Department for Regional Development (in this Article "the Department") must prepare and carry out a programme of measures designed to improve road safety.

(2) The Department may, with the approval of the Department of Finance and Personnel, make contributions towards the cost of measures for promoting road safety which are taken by any authority, body or person.

(3) Without prejudice to the generality of paragraph (1), in pursuance of its duty under that paragraph, the Department–

(a) must carry out studies into accidents arising out of the use of vehicles on roads or parts of roads;

(b) must, in the light of those studies, take such measures as appear to the Department to be appropriate to prevent such accidents, including the construction, improvement, maintenance or repair of roads which are maintainable by the Department, and other measures taken in the exercise of the Department's powers for controlling, protecting or assisting the movement of traffic on roads;

(c) in constructing new roads, must take such measures as appear to the Department to be appropriate to reduce the possibilities of such accidents when the roads come into use.**]**

F53 Art. 52A inserted (27.6.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), **82(2)**; S.R. 2007/302, **art. 2**, Sch.

Part III

Construction and Use of Vehicles and Equipment

Preliminary

Interpretation of Part III

53. In this Part—

[[F54]"the Community Recording Equipment Regulation" means Council Regulation (EEC) No. 3821/85 on recording equipment in road transport, as it has effect in accordance with—

(a) Commission Regulation (EEC) No. 3314/90;

(b) Commission Regulation (EEC) No. 3688/92; and

(c) Commission Regulation (EC) No. 2479/95;

and as read with the Community Drivers' Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations (Northern Ireland) 1987;**]**

"construction and use requirements" means requirements, whether applicable generally or at specified times or in specified circumstances, imposed under Article 55;

"examination for plating" has the meaning given in Article 65(4);

"goods vehicle test" has the meaning given in Article 65(4);

"goods vehicle test certificate" has the meaning given in Article 65(2)(b);

"plating certificate" has the meaning given in Article 65(2)(a);

"plated particulars" means such particulars as are required to be marked on a goods vehicle in pursuance of regulations under Article 55 by means of a plate;

"plated weights" means such weights as are required to be so marked.

"sold or supplied by retail" means sold or supplied otherwise than to a person acquiring solely for the purpose of release or of re-supply for a valuable consideration;

"tail lamp" means, in relation to a vehicle, any lamp carried attached to the vehicle for the purpose of showing a red light to the rear in accordance with regulations under Article 55;

"test certificate" has the meaning given in Article 61(2)(b);

"vehicle examiner" has the meaning given in Article 74;

"vehicle testing centre" has the meaning given in Article 73.

F54 SR 1998/270

Using vehicle in dangerous condition

Using vehicle in dangerous condition etc.

54. A person is guilty of an offence if he uses, or causes or permits another to use, a motor vehicle or trailer on a road when—

(a) the condition of the motor vehicle or trailer, or of its accessories or equipment; or

(b) the purpose for which it is used; or

(c) the number of passengers carried by it, or the manner in which they are carried; or

(d) the weight, position or distribution of its load, or the manner in which it is secured,

is such that the use of the motor vehicle or trailer involves a danger of injury to any person.

General regulation of construction, use, etc.

Regulation of construction, weight, equipment and use of vehicles

55.—(1) The Department may make regulations generally as to the use of motor vehicles and trailers on roads, their construction and equipment and the conditions under which they may be so used.
Paragraphs (2) to (4) do not affect the generality of this paragraph.

(2) In particular, the regulations may make provision with respect to any of the following matters—

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

(b) the emission or consumption of smoke, fumes or vapour and the emission of sparks, ashes and grit;

(c) noise

(d) 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 by any part of or parts of such a vehicle or trailer in contact with the road, and the conditions under which the weights may be required to be tested;

(e) the particulars to be marked on motor vehicles and trailers (by means of the fixing of plates or otherwise) and the circumstances in which they are to be marked;

(f) the towing of or drawing of vehicles by motor vehicles;

(g) the number and nature of brakes, and for securing that brakes, silencers and steering gear are efficient and kept in proper working order;

(h) lighting equipment and reflectors;

(i) the testing and inspection, by persons authorised by or under the regulations, of the brakes, silencers, steering gear, tyres, lighting equipment and reflectors of motor vehicles and trailers on any premises where they are (if the owner of the premises consents);

(j) speed limiters;

(k) the appliances to be fitted for—

(i) signalling the approach of a motor vehicle, or

(ii) enabling the driver of a motor vehicle to become aware of the approach of another vehicle from the rear, or

(iii) intimating any intended change of speed or direction of a motor vehicle,

and the use of any such appliance, and for securing that any such appliance is efficient and kept in proper working order;

(l) for prohibiting the use of appliances fitted to motor vehicles for signalling their approach, being appliances for signalling by sound, at any times, or on or in any roads or localities, specified in the regulations.

(3) The Department may, as respects goods vehicles, make regulations under this Article—

(a) prescribing other descriptions of weight which are not to be exceeded in the case of such vehicles;

(b) providing that weights of any description or other particulars which are to be marked on particular goods vehicles may be determined in accordance with regulations under Article 65.

(4) Regulations under this Article with respect to lighting equipment and reflectors

(a) may require that lamps be kept lit at such times and in such circumstances as may be specified in the regulations; and

(b) may extend, in like manner as to motor vehicles and trailers, to vehicles of any description used on roads, whether or not they are mechanically propelled.

(5) Regulations under this Article with respect to speed limiters may include provision—

(a) as to the checking and sealing of speed limiters by persons authorised in accordance with the regulations and the making of charges by them;

(b) imposing or providing for the imposition of conditions to be complied with by authorised persons;

(c) as to the withdrawal of authorisations.

(6) Different regulations may be made under this Article as respects different classes of vehicles or as respects the same class of vehicles in different circumstances and as respects different times of the day or night and as respects roads in different localities.

Breach of requirement as to brakes, steering-gear or tyres

56. A person who—

(a) contravenes a construction and use requirement as to brakes, steering-gear or tyres; or

(b) uses on a road a motor vehicle or trailer which does not comply with such a requirement, or causes or permits a motor vehicle or trailer to be so used,

is guilty of an offence.

VALID FROM 27/06/2007

[[F55]Breach of requirements as to control of vehicle, mobile telephones etc.

56A. A person who contravenes a construction and use requirement–

(a) as to not driving a motor vehicle in a position which does not give proper control or a full view of the road and traffic ahead, or not causing or permitting the driving of a motor vehicle by another person in such a position, or

(b) as to not driving or supervising the driving of a motor vehicle while using a hand-held mobile telephone or other hand-held interactive communication device, or not causing or permitting the driving of a motor vehicle by another person using such a telephone or other device,

is guilty of an offence.**]**

F55 Art. 56A inserted (27.6.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), **6(1)**; S.R. 2007/302, **art. 2**, Sch.

Breach of requirement as to weight: goods and passenger vehicles

57.—(1) A person who—

(a) contravenes a construction and use requirement as to any description of weight applicable to—

(i) a goods vehicle; or

(ii) a motor vehicle or trailer adapted to carry more than eight passengers; or

(b) uses on a road a vehicle which does not comply with such a requirement, or causes or permits a vehicle to be so used,

is guilty of an offence.

(2) In any proceedings for an offence under this Article in which there is alleged a contravention of a construction and use requirement as to any description of weight applicable to a goods vehicle, it shall be a defence to prove either—

(a) that at the time when the vehicle was being used on the road

(i) it was proceeding to a weighbridge which was the nearest available one to the place where the loading of the vehicle was completed for the purpose of being weighed, or

(ii) it was proceeding from a weighbridge after being weighed to the nearest point at which it was reasonably practicable to reduce the weight to the relevant limit, without causing an obstruction on any road, or

(b) in a case where the limit of that weight was not exceeded by more than 5 per cent.—

(i) that that limit was not exceeded at the time when the loading of the vehicle was originally completed, and

(ii) that since that time no person has made any addition to the load.

PROSPECTIVE

[[F56]Breach of requirement as to speed assessment equipment detection devices

57A. A person who—

(a) contravenes or fails to comply with a construction or use requirement as to speed assessment equipment detection devices, or

(b) uses on a road a motor vehicle or trailer which does not comply with such a requirement, or causes or permits a motor vehicle or trailer to be so used

is guilty of an offence.**]**

F56 Art. 57A inserted (prosp.) by Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), arts. 1(4), **54(2)**

Breach of other construction and use requirements

58. A person who—

(a) contravenes any construction or use requirement other than one within Article 56(a) or 57(1)(a); or

(b) uses on a road a motor vehicle or trailer which does not comply with such a requirement, or causes or permits a motor vehicle or trailer to be so used,

is guilty of an offence.

Temporary exemption from application of regulations under Article 55

59.—(1) Subject to paragraphs (2) to (4), where any regulations under Article 55 contain provisions varying the requirements as regards the construction or weight of any class of vehicles, provision shall be made by the regulations for exempting from those provisions for such period, not being less than 5 years, as may be specified in the regulations any vehicle of that class registered under the Vehicle Excise and Registration Act 1994[F57] before the expiration of one year from the making of the regulations.

(2) No such provision contained in regulations under Article 55 as imposes or varies requirements with respect to the braking systems with which motor vehicles must be equipped shall be taken, for the purposes of paragraph (1) or of any other provision of the regulations, to be one relating to the construction of vehicles.

(3) Where regulations under Article 55 contain provisions varying the requirements as regards the construction or weight of any class of vehicle, and the Department is satisfied—

(a) that it is requisite that those provisions shall apply at a date specified in the regulations to vehicles registered before the expiration of one year from the making of the regulations, or to such of them as are specified in the regulations; and

(b) that no undue hardship or inconvenience will be caused by their application then to those vehicles,

then, if the regulations state that the Department is so satisfied, paragraph (1) shall not apply in relation to those provisions.

(4) Paragraph (1) shall not apply in relation to—

(a) regulations made with respect to any description of weight of goods vehicles, other than their maximum unladen weight; or

(b) regulations made by virtue of Article 55(3).

F57 1994 c. 22

Authorisation of use on roads of special vehicles not complying with regulations under Article 55

60.—(1) The Department may by order authorise, subject to such restrictions and conditions as may be specified by or under the order, the use on roads

(a) 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;

(b) of vehicles or trailers, or types of vehicles or trailers, constructed for use outside the United Kingdom;

(c) of new or improved types of motor vehicles or trailers, whether wheeled or wheelless, or of motor vehicles or trailers equipped with new or improved equipment or types of equipment;

(d) of vehicles or trailers carrying loads of exceptional dimensions,

and Articles 54 to 58 shall not apply in relation to vehicles, trailers or types authorised in accordance with the order.

(2) The Department may by order make provision for securing that, subject to such restrictions and conditions as may be specified by or under the order, regulations under Article 55 shall have

effect in their application to such vehicles, trailers and types of vehicles and trailers as are mentioned in paragraph (1) subject to such modifications or exceptions as may be specified in the order.

(3) The Statutory Rules (Northern Ireland) Order 1979[F58] shall not apply to an order made by the Department under this Article where the order applies only

(a) to specified vehicles; or

(b) to vehicles of specified persons,

and any such order may be varied or revoked by subsequent order of the Department.

F58 1979 NI 12

Tests of vehicles other than goods vehicles to which Article 65 applies

Tests of satisfactory condition of vehicles

61.—(1) This Article applies to motor vehicles other than goods vehicles which are required by regulations under Article 65 to be submitted for a vehicle test under that Article and has effect for the purpose of ascertaining whether the following requirements are complied with namely—

(a) the prescribed statutory requirements relating to the construction and condition of motor vehicles or their accessories or equipment; and

(b) the requirement that the condition of motor vehicles should not be such that their use on a road would involve a danger of injury to any person.

(2) The Department may by regulations make provision—

(a) for the examination of vehicles submitted for examination under this Article; and

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

(3) Examinations for the purposes of this Article shall be carried out by—

(a) persons, not being officers of the Department, authorised for those purposes by the Department (in this Article and Article 62 referred to as "authorised examiners"); or

(b) vehicle examiners.

(4) Where a test certificate is refused, the examiner must issue a notification of the refusal stating the grounds of the refusal, and a person aggrieved by the refusal or the grounds of the refusal may appeal to the Department.

(5) On any such appeal the Department must cause a further examination to be made and either issue a test certificate or issue a notification of the refusal stating the grounds of the refusal.

(6) The Department may make regulations under this Article for the purpose of giving effect to this Article and for prescribing anything authorised by this Article and Article 62 to be prescribed.

(7) In its application to vehicles in which recording equipment is required by Article 3 of the Community Recording Equipment Regulation to be installed and used, this Article shall have effect as if any reference to prescribed statutory requirements relating to the construction and condition of motor vehicles or their accessories or equipment included a reference to the prescribed requirements of so much of that Regulation as relates to the installation of recording equipment and the seals to be fixed to such equipment.

Particular aspects of regulations under Article 61

62. Regulations under Article 61 may, in particular, make provision as to—

(a) the authorisation of examiners in accordance within paragraph (3)(a) of that Article, the imposition of conditions to be complied with by authorised examiners and the withdrawal of authorisations;

(b) the manner in which, conditions under which and apparatus with which examinations are carried out, the maintenance of that apparatus in an efficient state, and the inspection of premises at which and apparatus with which examinations are being, or are to be, carried out;

(c) the manner in which applications may be made for the examination of vehicles under Article 61, the manner in which and time within which appeals may be brought under paragraph (4) of that Article, the information to be supplied and documents to be produced on such an application, examination or appeal, the fees to be paid on such an application, examination or appeal, and the repayment of the whole or part of the fee paid on such an application, or 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 or in such other circumstances as may be prescribed;

(d) the form of, and particulars to be contained in, test certificates and notifications of the refusal of test certificates, and the supply by the Department of forms for such certificates and notifications and the charges to be made for the supply of such forms;

(e) the issue of duplicates of test certificates lost or defaced and the fee to be paid for the issue of such duplicates;

(f) the issue of copies of test certificates and the fee to be paid for the issue of such copies;

(g) the display of test certificates on prescribed vehicles;

(h) the suspension of revocation of test certificates in such circumstances as may be prescribed;

(i) the keeping by authorised examiners of registers of test certificates in the prescribed form and containing the prescribed particulars, and the inspection of such registers by such persons and in such circumstances as may be prescribed;

(j) the keeping of records by authorised examiners and the providing by them of returns and information to the Department.

Obligatory test certificates

63.—(1) A person who uses on a road or other public place at any time, or causes or permits to be so used, a motor vehicle to which this Article applies, and as respects which no test certificate has been issued within the appropriate period before that time, is guilty of an offence.
In this Article and Article 64, the "appropriate period" means a period of 12 months or such shorter period as may be prescribed.

(2 [F59] Subject to paragraphs (3) and (5), the motor vehicles to which this Article applies at any time are—

(a) those first registered under the Vehicle Excise and Registration Act 1994[F60] or any earlier corresponding legislation, not less than 5 years before that time; and

(b) those which, having a date of manufacture not less than 5 years before that time, have been used on roads (whether in Northern Ireland or elsewhere) before being so registered,

being, in either case, motor vehicles other than goods vehicles which are required by regulations under Article 65 to be submitted for a goods vehicle test.

(3) As respects a vehicle being—

(a) a motor vehicle used for the carriage of passengers and with more than 8 seats, excluding the driver's seat; or

(b) a taxi (within the meaning of Article 79A(8) of the Order of 1981) being a vehicle used to stand or ply for hire or carry passengers for hire; or

(c) an ambulance, that is to say, a motor vehicle which is constructed or adapted, and primarily used, for the carriage of persons to a place where they will receive, or from a place where they have received, medical or dental treatment, and which, by reason of design, marking or equipment is readily identifiable as a vehicle so constructed or adapted,

paragraph (2)(a) shall have effect as if for the period there mentioned there were substituted a period of one year.

(4) For the purposes of paragraph (2)(b), there shall be disregarded—

(a) the use of a vehicle before it is sold or supplied by retail, and

(b) the use of a vehicle to which a motor dealer has assigned a mark under section 24 of the Vehicle Excise and Registration Act 1994 before it is registered by the Secretary of State under section 21(2) of that Act.

(5) This Article does not apply to vehicles of such classes as may be prescribed.

(6) The Department may by regulations exempt from paragraph (1) the use of vehicles of such purposes as may be prescribed.

(7) The Department may by regulations exempt from paragraph (1) the use of vehicles in any such area as may be prescribed.

[[F61](7A) The Department may by regulations make provision for the issue, in such circumstances as may be prescribed, of a certificate of temporary exemption in respect of a vehicle, exempting that vehicle from paragraph (1) for such period as may be specified in the certificate.**]**

(8) For the purpose 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 that excepted case shall be taken to be the last day of the year during which the modifications are completed.

(9) The Department may by order, made subject to affirmative resolution, direct—

(a) that paragraph (2) shall have effect with the substitution, for 5 years (in both places), of such other period (not being more than 10 years) as may be specified in the order; and

(b) that Article 78(3) shall have effect with the substitution, for 5 years, of that other period.

F59 mod. by SR 1996/12
F60 1994 c.22
F61 2004 NI 14

VALID FROM 15/11/2007

[[F62]**Display of test certificates**

63A. A person who–

(a) uses on a road or other public place at any time, or

(b) causes or permits to be so used,

a motor vehicle to which Article 63 applies and on which there is not displayed a test certificate in accordance with regulations made under Article 62(g), is guilty of an offence.**]**

F62 Art. 63A inserted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), **41**; S.R. 2007/454, **art. 2**, Sch.

Supplementary provisions about test certificates

64.—(1) For the purpose of spreading the work of issuing certificates in contemplation of a change in—

(a) the length of the appropriate period; or

(b) the length of the period specified in Article 63(2)(a) and (b),

(and whether for the purposes of that Article or Article 72), the order or, as the case may be, regulations changing the length of that period may be made so as to come into operation on different days as respects vehicles first registered under the Vehicle Excise and Registration Act 1994[F63] or any earlier corresponding legislation at different times.

[[F64](1A) A test certificate issued in respect of a vehicle within the period of one month ending immediately before the date on which Article 63 first applies to the vehicle shall be treated for the purposes of that Article as if issued at the end of that period**]**

(2) Where—

(a) within the appropriate period after a test certificate is issued or treated for the purposes of Article 63 as issued; but

(b) not earlier than one month before the end of that period,

a further test certificate is issued as respects the same vehicle, the further certificate shall be treated for the purpose of that Article as if issued at the end of the appropriate period.

(3) Where the particulars contained in a test certificate in accordance with regulations made under Article 61 include a date of expiry falling later, but not more than one month later, than the end of the appropriate period after the date on which it is issued

(a) the certificate shall be deemed to have been issued in respect of the same vehicle as an earlier test certificate; and

(b) the date on which it was issued shall be deemed to have been a date falling within the last month of the appropriate period after the date on which that earlier certificate was issued or treated for the purposes of Article 63 as issued;

and any date of expiry contained in a test certificate shall be deemed to have been entered in accordance with regulations under Article 61 unless the contrary is proved.
Para. (4) rep. by 2004 NI 14

(5) In relation to any public service vehicle**[**[F65] adapted to carry more than 8 passengers**]**

(a) paragraphs**[**[F64] (1A),**]** (2) and (3) shall have effect as if for "one month" (in**[**[F64] each place**]**) there were substituted "2 months"; and

(b) paragraph (3) shall have effect as if for "last month" there were substituted "last 2 months".

F63 1994 c. 22
F64 1997 NI 22
F65 2004 NI 14

Test of certain classes of goods vehicles

Tests of satisfactory condition of goods vehicles and determination of plated weights, etc.

65.—(1) The Department may by regulations make provision for the examination of goods vehicles of any prescribed class—

(a) for the purpose of selecting or otherwise determining plated weights or other plated particular for goods vehicles of that class;

(b) for the purpose of ascertaining whether any prescribed construction and use requirements (whether relating to plated particulars or not) are complied with in the case of goods vehicles of that class; or

(c) for the purpose of ascertaining whether the condition of the vehicle is such that its use on a road or other public place would involve a danger or injury to any person,

or for any of those purposes.

(2) In particular the regulations may make provision—

(a) for the determination, according to criteria or by methods prescribed by or determined under the regulations, of the plated particulars for a goods vehicle (including its plated weights), on an examination of the vehicle for the purpose, and for the issue on such an examination, except as provided by regulations made by virtue of sub-paragraph (c), of a certificate (in this Order referred to as a "plating certificate") specifying those particulars;

(b) for the use, for a goods vehicle which has been found on examination for the purpose to comply with the prescribed construction and use requirements and the requirement that the condition of the vehicle is not such that its use on a road or other public place would involve a danger of injury to any person, of a certificate (in this Order referred to as a "goods vehicle test certificate") stating that the vehicle has been found so to comply; and

(c) for the refusal of a goods vehicle test certificate for a goods vehicle which is so found not to comply with those requirements and for requiring a written notification to be given—

(i) of any such refusal, and

(ii) of the grounds of the refusal,

and for the refusal of a plating certificate where a goods vehicle test certificate is refused.

(3) References in paragraphs (1) and (2) to construction and use requirements shall be construed—

(a) in relation to an examination of a vehicle solely for the purpose of ascertaining whether it complies with any such requirements, as references to such of those requirements as are applicable to the vehicle at the time of the test, and

(b) in relation to an examination of a vehicle both for that purpose and for the purpose of determining its plated particulars, as references to such of those requirements as will be applicable to the vehicle if a plating certificate is issued for it.

(4) In this Part—

"examination for plating" means an examination under regulations under this Article for the purpose of determining plated particulars for a goods vehicle, and

"goods vehicle test" means an examination under regulations under this Article for the purpose of ascertaining whether any prescribed construction and use requirements or the requirement that the condition of the vehicle is not such that its use on a road or other public place would involve a danger or injury to any person are complied with in the case of a goods vehicle.

(5) In this application to vehicles in which recording equipment is required by Article 3 of the Community Recording Equipment Regulation to be installed and used, this Article shall have effect

as if any reference to prescribed construction and use requirements included a reference to prescribed requirements of so much of that Regulation as relates to the installation of recording equipment and the seals to be fixed to such equipment.

Appeals against determinations

66.—(1) Any person aggrieved by a determination made on an examination under regulations under Article 65 by the person in charge of the examination may appeal to the Department.

(2) On the appeal the Department must cause the vehicle to be re-examined by an officer appointed by it for the purpose and must make such determination on the basis of the re-examination as it thinks fit.

(3) Regulations under Article 65 may make the like provision in relation to a determination on an appeal under this Article as they make in relation to a determination on an examination under the regulations.

Particular aspects of regulations under Article 65

67.—(1) Without prejudice to the generality of paragraph (1) of Article 65, regulations under that Article may—

(a) require or authorise goods vehicles to which the regulations apply to be submitted for examination under the regulations and, in particular—

(i) require any such vehicle to be submitted for a goods vehicle test at periodic intervals; and

(ii) require or authorise any such vehicle to be submitted for re-examination on the making of any prescribed alteration to it or its equipment and, for the purpose of determining whether any such re-examination is necessary, require any such alteration to be notified to the Department; and

(iii) require any such vehicle to be submitted for examination or re-examination for any purpose of plating or certification;

(b) authorise any examination under the regulations to be carried out by or under the direction of a vehicle examiner;

(c) prescribe the conditions subject to which vehicles will be accepted for such examination and, without prejudice to that—

(i) authorise any person by whom an examination of the vehicle under the regulations or Article 66 is carried out to drive the vehicle, whether on a road or elsewhere; and

(ii) require that a driver of a vehicle examined under those regulations or that Article is, except so far as permitted to be absent by the person carrying out the examination, present throughout the whole of the examination and drives the vehicle when directed to do so, and operates the controls in accordance with any directions given to him, by that person;

(d) require the plating certificate for any vehicle to which the regulations apply to specify any alteration to the vehicle or its equipment which is required by the regulations to be notified to the Department;

(e) authorise the amendment of a plating certificate or the issue of a different plating certificate on the re-examination of any vehicle;

(f) provide for the period of validity of goods vehicle test certificates;

(g) specify the manner in which, and the time before or within which, applications may be made for the examination of vehicles under the regulations or appeals may be brought

under Article 66 and the information to be supplied and documents to be produced on any such application, examination or appeal;

(h) make provision as to the fees to be paid on any such application or appeal and as to the repayment of the whole or part of any fee paid on such an application or appeal where it appears to the Department that there were substantial grounds for contesting the whole or part of the determination appealed from or in such other circumstances as may be prescribed;

(i) make provision as to the form of, and particulars to be contained in, plating certificates and goods vehicle test certificates and notifications of the refusal of the latter certificates;

(j) make provision for the display of plating certificates or goods vehicle test certificates on prescribed goods vehicles;

(k) provide for the suspension or revocation of a plating certificate or a goods vehicle test certificate in such circumstances as may be prescribed;

(l) provide for the issue of replacements for plates marked with plated particulars, plating certificates and goods vehicle test certificates which have been lost or defaced and for the payment of a fee for their issue;

(m) exempt prescribed classes of vehicles from all or any of the provisions of the regulations either generally or in prescribed circumstances.

(2) Regulations under Article 65 may provide that a person who contravenes a requirement of regulations imposed by virtue of paragraph (1)(c)(ii) is guilty of an offence.

(3) In this Article any reference to the driving of a vehicle is, in relation to a trailer, a reference to the driving of the vehicle by which the trailer is drawn.

Supplementary provision about tests, etc., of goods vehicles

68. Without prejudice to any regulations made under Article 65 by virtue of Article 67(1)(c), the Department may give directions with respect to the manner in which examinations under regulations under Article 65 or under Article 66 are to be carried out.

Obligatory goods vehicle test certificates

69.—(1) If any person at any time on or after the relevant date—

(a) uses on a road or other public place a goods vehicle of a class required by regulations under Article 65 to have been submitted for examination for plating; or

(b) causes or permits to be used on a road or other public place a goods vehicle of such a class,

and at that time there is no plating certificate in force for the vehicle, he is guilty of an offence.
In this paragraph "relevant date", in relation to any goods vehicle, means the date by which it is required by the regulations to be submitted for examination for plating.

(2) If any person at any time on or after the relevant date—

(a) uses on a road or other public place a goods vehicle of a class required by regulations under Article 65 to have been submitted for a goods vehicle test; or

(b) causes or permits to be used on a road or other public place a goods vehicle of such a class,

and at that time there is no goods vehicle test certificate in force for the vehicle, he is guilty of an offence.
In this paragraph "relevant date", in relation to any goods vehicle, means the date by which it is required by the regulations to be submitted for its first goods vehicle test.

(3) Any person who—

(a) uses a goods vehicle on a road or other public place; or

(b) causes or permits a goods vehicle to be so used,

when an alteration has been made to the vehicle or its equipment which is required by regulations under Article 65 to be, but has not been, notified to the Department is guilty of an offence.

(4) In any proceedings for an offence under paragraph (3), it shall be a defence to prove that the alteration was not specified in the relevant plating certificate in accordance with regulations under Article 65.

(5) The Department may by regulations—

(a) exempt from all or any of the preceding provisions of this Article the use of goods vehicles for such purposes or in such an area as may be prescribed; and

(b) make provision for the issue in respect of a vehicle in such circumstances as may be prescribed of a certificate of temporary exemption exempting that vehicle from the provisions of paragraph (1) or (2) for such period as may be specified in the certificate.

Using goods vehicle with unauthorised weights as well as authorised weights marked on it

70.—(1) If there is fixed to a goods vehicle a plate containing plated weights of any description—

(a) determined for that vehicle by virtue of Articles 65 to 68; or

(b) specified in a certificate for that vehicle under Article 31A(3) or (4) of the Order of 1981,

the vehicle shall not, while it is used on a road or other public place, be marked with any other weights, except other plated weights, other weights required or authorised to be marked on the vehicle by regulations under Article 55 or weights so authorised for the purposes of this Article by regulations made by the Department and marked in the prescribed manner.

(2) In the event of a contravention of this Article the owner of the vehicle is guilty of an offence.

Restriction on carrying passengers on goods vehicles

71.—(1) Subject to paragraph (2), no passenger shall be carried on a goods vehicle except on permanently attached seats placed beside the driver's seat.

(2) Paragraph (1) does not apply to—

(a) any passenger on a goods vehicle which is a dual-purpose vehicle within the meaning of Article 2(2) of the Order of 1981; or

(b) any authorised passenger on a goods vehicle which is not a dual-purpose vehicle.

(3) A driver of a goods vehicle who allows or permits any passenger to be carried on the vehicle in contravention of paragraph (1), and any passenger so carried, is guilty of an offence.

(4) For the purposes of paragraph (2)(b) the following are authorised passengers—

(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 paragraph 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 2) carried on the vehicle, with the consent of the owner, for the purpose of work in connection with the load.

Conditions for grant of excise licence

Regulations prohibiting the grant of excise licences for certain vehicles except on compliance with certain conditions

72.—(1) The Department may by regulations provide that where—

(a) application is made in Northern Ireland for a licence under the Vehicle Excise and Registration Act 1994[F66] for a vehicle to which Article 63 applies and

(b) in the case of an application relating to a vehicle to which that Article applies by virtue of paragraph (2)(b) of that Article, 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 one of the following conditions is satisfied.

(2) Those conditions are that—

(a) there is produced such evidence as may be prescribed of the granting of an effective test certificate or (if it is so prescribed) there is produced such a certificate or the Department is provided with a copy of it, 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 prescribed under paragraph (6), or in an area prescribed under paragraph (7), of Article 63, or

[[F67](bb) there is produced in respect of the vehicle a certificate of temporary exemption issued by virtue of paragraph (7A) of Article 63 which exempts that vehicle from the provisions of paragraph (1) of that Article for a period which includes the date on which the licence is to come into force; or**]**

(c) in the case of an application relating to a vehicle to which Article 63 applies by virtue of paragraph (2)(b) of that Article, the owner of the vehicle declares in writing the year in which the vehicle was manufactured, and the specified period from the date of manufacture has not expired.

(3) The Department may by regulations provide that where application is made in Northern Ireland for a licence under the Vehicle Excise and Registration Act 1994 for a goods vehicle to which Article 69(2) applies or for a vehicle of any class to which Article 31E(1) of the Order of 1981 applies, the licence shall not be granted unless the requirements of paragraph (4), paragraph (6) or paragraph (7) are satisfied.

(4) The requirements of this paragraph are that—

(a) on any application, after the relevant date within the meaning of Article 69(2), for a licence for a vehicle to which Article 69(2) applies, there is produced evidence that an effective goods vehicle test certificates is in force for the vehicle,

(b) on the first application, after the day appointed by regulations made by virtue of Article 31E(1) of the Order of 1981, for a licence for a vehicle of any class to which those regulations apply, there is produced evidence that there is or are one or more certificates in force for the vehicle under Article 31A of that Order from which it appears that the vehicle complies with all the relevant type approval requirements prescribed by those regulations.

(5) In relation to any application referred to in paragraph (3) the requirement set out in paragraph (4)(b) shall be taken to be satisfied if there is produced evidence that an EC certificate of conformity as effect with respect to the vehicle.

(6) The requirements of this paragraph are that 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 sub-paragraph (a) of Article 69(5) of this Order or under Article 31E(4) of the Order of 1981.

(7) The requirements of this paragraph are that there is produced in respect of the vehicle a certificate of temporary exemption issued by virtue of sub-paragraph (b) of Article 69(5) of this Order or sub-paragraph (b) of Article 31E(4) of the Order of 1981 which exempts that vehicle from the provisions of Article 69(2) of this Order or Article 31E(1) of the Order of 1981, as the case may be, for a period which includes the date on which the licence is to come into force.

(8) Regulations under paragraph (3) may be made so as to apply to such classes only of vehicles as may be specified in the regulations.

(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 that excepted case shall be taken to be the last day of the year during which the modifications are completed.

(10) In this Article—

"appropriate period" has the same meaning as in Article 63,

"effective goods vehicle test certificate" means, in relation to an application for a licence for a vehicle, a goods vehicle test certificate relating to the vehicle which will be in force on the date on which the licence is to come into force,

"effective test certificate" means, in relation to an application for a licence for a vehicle, a test certificate relating to the vehicle and issued within the appropriate period before the date on which the licence is to come into force,

"specified period" means the period for the time being specified in Article 63(2)(a) and (b).

F66 1994 c.22
F67 2004 NI 14

Vehicle testing centres and vehicle examiners

Vehicle testing centres

73. The Department may provide and maintain centres (in this Part referred to as "vehicle testing centres") where examinations of vehicles may be carried out for the purposes of the Road Traffic Orders and may provide and maintain apparatus for carrying out such examinations.

Appointment of examiners

74.—(1) The Department shall appoint such examiners as it considers necessary for the purpose of carrying out the functions conferred on them by this Order, the Order of 1981 or Parts II to IV of the Transport Act (Northern Ireland) 1967[F68] or any other statutory provision.

(2) An examiner appointed under this Article shall act under the general directions of the Department.

(3) In this Part "vehicle examiner" means an examiner appointed under this Article.

(4) Any reference in any statutory provision to an inspector of vehicles within the meaning of Article 2(2) of the Order of 1981, to an officer or person authorised for the purposes of any Article of Part IV of that Order, or to an inspector appointed under section 37 of the Transport Act (Northern Ireland) 1967[F69] shall, so far as may be appropriate in consequence of the preceding provisions of this Article, be construed as a reference to an examiner appointed under this Article.

F68 1967 c. 37 (NI)

F69 1967 c. 37 (NI)

Testing vehicles on roads

Testing of condition of vehicles on roads

75.—(1) An authorised examiner may test a motor vehicle on a road or other public place for the purpose of—

(a) ascertaining whether the following requirements, namely—

(i) the construction and use requirements, and

(ii) the requirement that the condition of the vehicle is not such that its use on a road would involve a danger of injury to any person, are complies with as respects the vehicle;

(b) bringing to the notice of the driver any failure to comply with those requirements.

(2) For the purpose of testing a vehicle the examiner—

(a) may require the driver to comply with his reasonable instructions, and

(b) may drive the vehicle.

(3) The following persons may act as authorised examiners for the purposes of this Article—

(a) a constable authorised so to act by or on behalf of the Chief Constable;

(b) a person appointed as an examiner under Article 74.

(4) A vehicle examiner must produce his authority to act as an authorised examiner for the purposes of this Article is required to do so.

(5) Where on testing a vehicle under paragraph (1), an authorised examiner is satisfied that one or more of the requirements mentioned in sub-paragraph (a) of that paragraph is not complied with, he may, whether or not proceedings are instituted for a breach of the requirements, 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 service of the notice, or within such longer period as any authorised examiner may on the application of the owner of the vehicle specify in writing for further test.

(6) A notice under paragraph (5) shall specify—

(a) in the case of the requirements mentioned in paragraph (1)(a)(i), which of these requirements is not complied with;

(b) in the case of the requirement mentioned in paragraph (1)(a)(ii), the defects by reason of which that requirement is not complied with.

(7) On testing a vehicle under paragraph (5), an authorised examiner shall ascertain whether the requirements specified in the notice have been complied with, or as the case may be, the defects so specified have been remedied.

(8) The Department may prescribe a fee to be paid for a test under paragraph (5).

(9) Where it appears to any constable that, by reason of an accident having occurred owing to the presence of a vehicle on a road, it is requisite that a test should be carried out forthwith, he may require it to be so carried out and, if he is not to carry it out himself, may require that the vehicle shall not be taken away until the test has been carried out.

(10) If a person obstructs an authorised examiner acting under this Article, or fails to comply with a requirement of this Article, he is guilty of an offence.

(11) In this Article—

(a) "test" includes "inspect", as the case may require, and

(b) references to a vehicle include references to a trailer drawn by it.

Inspection of public passenger vehicles and goods vehicles

Inspection of public passenger vehicles and goods vehicles

76.—(1) A vehicle examiner—

(a) may at any time, on production if so required of his authority, inspect any vehicle to which this Article applies and for that purpose may stop and detain the vehicle during such time as its required for the inspection, and

(b) may at any time which is reasonable having regard to the circumstances of the case enter premises on which he has reason to believe that such a vehicle is kept.

(2) The power conferred by paragraph (1) to inspect vehicles includes power to test it and to drive it for the purpose of testing it.

(3) A person who intentionally obstructs an examiner in the exercise of his powers under paragraph (1) is guilty of an offence.

(4) A vehicle examiner or member of the Royal Ulster Constabulary may at any time require any person in charge of a vehicle to which this Article applies and which is stationary 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 10 miles from the place where the requirement is made).

(5) A person in charge of a vehicle who refuses or neglects to comply with a requirement made under paragraph (4) is guilty of an offence.

(6) This Article applies to—

(a) goods vehicles,

(b) public service vehicles, and

(c) motor vehicles which are not public service vehicles but are adapted to carry more than 8 passengers;

but paragraph (1)(b) shall not apply in relation to vehicles within sub-paragraph (c) or in relation to vehicles used to carry passengers for hire or reward only under permits granted under section 10B of the Transport Act (Northern Ireland) 1967[F70] (use of vehicles by educational and other bodies).

[[F71](7) A vehicle examiner or member of the Royal Ulster Constabulary may place traffic signs on or near a road for the purposes of this Article.

(8) Article 50 shall apply to traffic signs placed under paragraph (7) and the power to place traffic signs conferred by that paragraph includes power to place them on a vehicle used by the Department or for police purposes.**]**

F70 1967 c.37 (NI)
F71 1997 NI 2

Prohibition of unfit vehicles

Power to prohibit driving of unfit vehicles

77.—(1) If on any inspection of a vehicle under Article 55, 61, 65, 75, 76 or 85 of this Order or under Article 31D of the Order of 1981 it appears to a vehicle examiner that owing to any defects

in the vehicle or the condition of any load carried by that vehicle, it is, or is likely to become, unfit for service, he may prohibit the driving of the vehicle on a road or other public place—

(a) absolutely, or

(b) for one or more specified purposes, or

(c) except for one or more specified purposes.

(2) If on any inspection of a vehicle under any of the enactments mentioned in paragraph (1) it appears to an authorised constable that owing to any defects in the vehicle driving it (or driving it for any particular purpose or purposes or for any except one or more particular purposes) would involve a danger of injury to any person, he may prohibit the driving of the vehicle on a road—

(a) absolutely, or

(b) for one or more specified purposes, or

(c) except for one or more specified purposes.

(3) A prohibition under this Article shall come into force as soon as the notice under paragraph (6) has been given if—

(a) it is imposed by an authorised constable, or

(b) in the opinion of the vehicle examiner imposing it the defects in the vehicle in question are such that driving it, or driving it for any purpose within the prohibition, would involve a danger of injury to any person.

(4) Except where paragraph (3) applies, a prohibition under this Article shall (unless previously removed under Article 81) come into force at such time not later than 10 days from the date of the inspection as seems appropriate to the vehicle examiner imposing the prohibition, having regard to all the circumstances.

(5) A prohibition under this Article shall continue in force until it is removed under Article 81.

(6) A person imposing a prohibition under this Article shall forthwith give notice in writing of the prohibition to the person in charge of the vehicle at the time of the inspection—

(a) specifying the defects which occasioned the prohibition;

(b) stating whether the prohibition is on all driving of the vehicle or driving it for one or more specified purposes or driving it except for one or more specified purposes (and, where applicable, specifying the purpose or purposes in question); and

(c) stating whether the prohibition is to come into force immediately or at the end of a specified period.

(7) Where a notice has been given under paragraph (6), any vehicle examiner or authorised constable may grant an exemption in writing for the use of the vehicle in such manner, subject to such conditions and for such purpose as may be specified in the exemption.

(8) Where such a notice has been given, any vehicle examiner or authorised constable may by endorsement on the notice vary its terms and, in particular, alter the time at which the prohibition is to come into force or suspend it if it has come into force.

(9) In this Article "authorised constable" means a constable authorised to act for the purposes of this Article by or on behalf of the Chief Constable.

Prohibitions conditional on inspection etc.

78.—(1) Where it appears to the person imposing a prohibition under Article 77 that the vehicle is adapted to carry more than 8 passengers, or is a public service vehicle not so adapted, the prohibition may be imposed with a direction making it irremovable unless and until the vehicle has been inspected at a vehicle testing centre.

(2) Where it appears to that person that the vehicle is of a class to which regulations under Article 65 apply, the prohibition may be imposed with a direction making it irremovable unless and until the vehicle has been inspected at a vehicle testing centre.

(3 [F72] Where is appears to that person that the vehicle is one to which Article 63 applies, or would apply if the vehicle had been registered under the Vehicle Excise and Registration Act 1994[F73] more than 5 years earlier, the prohibition may be imposed with a direction making it irremovable unless and until the vehicle has been inspected, and a test certificate issued, under Article 61.

(4) In any other case, the prohibition may be imposed with a direction making it irremovable unless and until the vehicle has been inspected in accordance with regulations under Article 81 by a vehicle examiner or authorised constable (within the meaning of Article 77).

F72 mod. by SR 1996/12
F73 1994 c. 22

Power to prohibit driving of overloaded vehicles

79.—(1) Paragraphs (2) and (3) apply where a goods vehicle or a motor vehicle adapted to carry more than 8 passengers has been weighed in pursuance of a requirement imposed under Article 86 and it appears to—

(a) a vehicle examiner, or

(b) a constable authorised to act for the purposes of this paragraph by or on behalf of the Chief Constable,

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 or that by reason of excessive overall weight or excessive axle weight on any axle driving the vehicle would involve a danger of injury to any person.

(2) The person to whom it so appears may, whether or not a notice is given under Article 77(6), 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—

(a) that weight is reduced to that limit or, as the case may be, so that it is no longer excessive, and

(b) official notification has been given to whoever is for the time being in charge of the vehicle that it is permitted to proceed.

(3) The person to whom it so appears 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; and the prohibition shall not apply to the removal of the vehicle or trailer in accordance with that direction.

(4) Official notification for the purposes of paragraph (2)—

(a) must be in writing and be given by a vehicle examiner or a constable authorised as mentioned in paragraph (1), and

(b) may be withheld until the vehicle has been weighed or reweighed in order to satisfy the person giving the notification that the weight has been sufficiently reduced.

(5) Nothing in this Article shall be construed as limiting the power of the Department to make regulations under Article 80(2).

Unfit and overloaded vehicles: offences

80.—(1) A person who—

(a) drives a vehicle in contravention of a prohibition under Article 77 or 79, or

(b) causes or permits a vehicle to be driven in contravention of such a prohibition, or

(c) fails to comply within a reasonable time with a direction under Article 79(3),

is guilty of an offence.

(2) The Department may by regulations provide for exceptions from paragraph (1).

Removal of prohibitions

81.—(1) Subject to the following provisions of this Article, a prohibition under Article 77 or 79 may be removed by any vehicle examiner or authorised constable if he is satisfied that the vehicle is fit for service.

(2) If the prohibition has been imposed with a direction under Article 78(1) or (2), the prohibition shall not be removed unless and until the vehicle has been inspected in accordance with the direction.

(3) If the prohibition has been imposed with a direction under Article 78(3), paragraph (1) shall not apply; but the prohibition shall be removed, by such person as may be prescribed, if (and only if) any prescribed requirements relating to the inspection of the vehicle and the issue and production of a test certificate have been complied with.

(4) If the prohibition has been imposed with a direction under Article 78(4), the prohibition shall not be removed unless and until any prescribed requirements relating to the inspection of the vehicle have been complied with.

(5) A person aggrieved by the refusal of a vehicle examiner or authorised constable to remove a prohibition may, within the prescribed time and in the prescribed manner, appeal to the Department.

(6) The Department may make such order on the appeal as it thinks fit.

(7) Where a vehicle examiner or authorised constable removes a prohibition, he must forthwith give notice of the removal to the owner of the vehicle.

(8) The Department may require the payment of fees, in accordance with prescribed scales and rates, for the inspection of a vehicle with a view to the removal of a prohibition; and—

(a) payment of fees may be required to be made in advance, and

(b) the Department must ensure that all the scales and rates prescribed for the purposes of this sub-paragraph are reasonably comparable with—

(i) in the case of goods vehicles, the fees charged by virtue of Article 67(1)(h) in respect of periodic examination, and

(ii) in the case of other vehicles, the fees charged by virtue of Article 62(c).

(9) The Department may make regulations for prescribing anything which may be prescribed under this Article and for regulating the procedure, and fees payable, on appeals to it under paragraph (5).

(10) In this Article "authorised constable" means a constable authorised to act for the purposes of this Article by or on behalf of the Chief Constable.

(11) Article 110(1) does not apply to an order made under paragraph (6).

Miscellaneous provisions about vehicles and vehicle parts

Operator's duty to inspect, and keep records of inspection of, goods vehicles

82.—(1) The Department may make regulations requiring the operator for the time being of a goods vehicle to which the regulations apply to secure—

(a) the carrying out by a suitably qualified person (including the operator if so qualified) of an inspection of the vehicle for the purpose of ascertaining whether the following requirements are complied with, namely—

(i) the construction and use requirements with respect to any prescribed matters, being requirements applicable to the vehicle,

(ii) the requirement that the condition of the vehicle is not such that its use on a road would involve a danger of injury to any person, and

(b) the making and authentication of records of such matters relating to any such inspection as may be prescribed, including records of the action taken to remedy any defects discovered on the inspection,

and providing for the preservation of such records for a prescribed period not exceeding 15 months and their custody and production during that period.

(2) Regulations under this Article may—

(a) apply to all goods vehicles or to goods vehicles of such classes as may be prescribed,

(b) require the inspection of goods vehicles under the regulations to be carried out at such times, or before the happening of such events, as may be prescribed.

(3) Any person who contravenes any provision of regulations under this Article is guilty of an offence.

(4) In this Article "the operator", in relation to a goods vehicle, means the person to whom it belongs or the hirer of it under a hire purchase agreement; but, if he has let it on hire (otherwise than by way of hire-purchase) or lent it to any other person, it means a person of a class prescribed by regulations under this Article in relation to any particular class of goods vehicles or, subject to any such regulations, that other person.

Vehicles not to be sold in unroadworthy condition or altered so as to be unroadworthy

83.—(1) Subject to the provisions of this Article no person shall supply a motor vehicle or trailer in an unroadworthy condition.

(2) In this Article references to supply include——

(a) sell,

(b) offer to sell or supply, and

(c) expose for sale.

(3) For the purpose of paragraph (1) a motor vehicle or trailer is in an unroadworthy condition if—

(a) it is in such a condition that the use of it on a road in that condition would be unlawful by virtue of any provision made by regulations under Article 55 as respects—

(i) brakes, steering gear or tyres, or

(ii) the construction, weight or equipment of vehicles, or

(b) it is in such a condition that its use on a road would involve a danger of injury to any person.

(4) Subject to the provisions of this Article no person shall alter a motor vehicle or trailer so as to render its condition such that the use of it on a road in that condition—

(a) would be unlawful by virtue of any provision made as respects the construction, weight or equipment of vehicles by regulations under Article 55; or

(b) would involve a danger of injury to any person.

(5) A person who supplies or alters a motor vehicle or trailer in contravention of this Article, or causes or permits it to be so supplied or altered, is guilty of an offence.

(6) A person shall not be convicted of an offence under this Article in respect of the supply or alteration of a motor vehicle or trailer if he proves—

(a) that it was supplied or altered, as the case may be, for export from Northern Ireland, or

(b) that he had reasonable cause to believe that the vehicle or trailer 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.

(7) Sub-paragraph (b) of paragraph (6) shall not apply in relation to a person who, in the course of a trade or business—

(a) exposes a vehicle or trailer for sale, unless he also proves that he took all reasonable steps to ensure that any prospective purchaser would be aware that its use in its current condition on a road in Northern Ireland would be unlawful, or

(b) offers to sell a vehicle or trailer, unless he also proves that he took all reasonable steps to ensure that the person to whom the offer was made was aware of that fact.

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

Fitting and supply of defective or unsuitable vehicle parts

84.—(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 the use of the vehicle on a road would, by reason of that part being fitted to the vehicle, involve a danger of injury to any person or constitute a contravention of any of the construction and use requirements, he is guilty of an offence.

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

(a) that the vehicle to which the part was fitted was to be exported from Northern Ireland, or

(b) that he had reasonable cause to believe that that vehicle—

(i) would not be used on a road in Northern Ireland, or

(ii) that it would not be so used until it had been put into a condition in which its use on a road would not constitute a contravention of any of the construction and use requirements and would not involve a danger of injury to any person.

(3) If a person—

(a) supplies a vehicle part or causes or permits a vehicle part to be supplied, and

(b) 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 is guilty of an offence 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 that the use of the vehicle on a road would, by reason of that part being fitted to the vehicle, constitute a contravention of any of the construction and use requirements or involve a danger of injury to any person.

(4) In this Article references to supply include—

(a) sell, and

(b) offer to sell or supply.

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

(a) that the part was supplied for export from Northern Ireland, or

(b) that he had reasonable cause to believe that—

(i) it would not fitted to a vehicle used on a road in Northern Ireland, or

(ii) it would not be so fitted until it had been put into such a condition that it could be fitted otherwise than in such circumstances that the use of the vehicle on a road would, by reason of that part being fitted to the vehicle, constitute a contravention of any of the construction and use requirements or involve a danger of injury to any person.

(6) An authorised examiner may at any reasonable hour enter premises where, in the course of a business, vehicle parts are fitted to vehicles or are supplied and test and inspect 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 that the use of the vehicle on a road would, by reason of that part being fitted to the vehicle, constitute a contravention of any of the construction and use requirements or involve a danger of injury to any person, or

(b) the vehicle part could not be supplied for fitting to a vehicle used on roads in Northern Ireland without the commission of an offence under paragraph (3).

(7) For the purpose of testing a motor vehicle and any trailer drawn by it the authorised examiner may drive it and for the purpose of testing a trailer may draw it with a motor vehicle.

(8) Any person who obstructs an authorised examiner acting under paragraph (6) or (7) is guilty of an offence.

(9) In paragraphs (6) to (8) "authorised examiner" means a person who may act as an authorised examiner for the purposes of Article 75; and any such person, other than a constable in uniform, shall produce his authority to act for the purpose of paragraphs (6) and (7) if required to do so.

(10) 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.

85.—(1) An authorised examiner may at any reasonable hour enter premises where used motor vehicles or trailers are supplied in the course of a business and test and inspect any used motor vehicle or trailer found on the premises for the purpose of ascertaining whether it is in an unroadworthy condition for the purpose of Article 83(1).

(2) In this Article (except sub-paragraph (d)) references to supply include—

(a) sell,

(b) offer for sale or supply,

(c) expose for sale, and

(d) otherwise keep for sale or supply.

(3) An authorised examiner may at any reasonable hour enter premises where vehicles or vehicle parts of a class prescribed for the purposes of Article 31E of the Order of 1981 are supplied in the course of a business and test and inspect any such vehicle or vehicle part for the purpose of ascertaining whether the vehicle or vehicle part complies with the type approval requirements applicable to a vehicle or vehicle part of that class.

(4) For the purpose of testing a motor vehicle and any trailer drawn by it the authorised examiner may drive if and for the purpose of testing a trailer may draw it with a motor vehicle.

(5) A person who obstructs an authorised examiner acting under this Article is guilty of an offence.

(6) In this Article "authorised examiner" means a person who may act as an authorised examiner for the purposes of Article 75; and any such person, other than a constable in uniform, shall produce his authority to act for the purposes of that Article if required to do so.

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

Weighing of motor vehicles

86.—(1) Subject to any regulations made by the Department, an authorised person may, on production of his authority, require the person in charge of a motor vehicle—

(a) to allow the vehicle or any trailer drawn by it to be weighed, either laden or unladen, and the weight transmitted to the road by any parts of the vehicle or trailer in contact with the road to be tested, and

(b) for that purpose, to proceed to a weighbridge or other machine for weighing vehicles.

(2) For the purpose of enabling a vehicle or a trailer drawn by it to be weighed or a weight to be tested in accordance with regulations under paragraph (1), an authorised person 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.

(3) If a person in charge of a motor vehicle—

(a) refuses or neglects to comply with any requirement under paragraph (1) or (2), or

(b) obstructs an authorised person in the exercise of his functions under this Article,

he is guilty of an offence.

(4) An authorised person may not require the person in charge of the 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.

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

(a) the manner in which a 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 enactment relating to motor vehicles or trailers.

(6) If—

(a) at the time when the requirement is made the vehicle is more than 5 miles from the weighbridge or other machine, and

(b) the weight is found to be within the limits authorised by law,

the Department must pay, in respect of loss occasioned, such amount as in default of agreement may be determined by a single arbitrator agreed upon by the parties or, in default of agreement, appointed by the Head of the Department.

(7) The Department may by regulations designate areas of Northern Ireland where paragraph (6) is to have effect, in such cases as may be specified in the regulations, with the substitution for 5 miles of a greater distance so specified.

(8) In this Article—

(a) "road" includes 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,

(b) "authorised person" means a vehicle examiner authorised by the Department or a constable authorised by or on behalf of the Chief Constable,

and in this paragraph "harbour" and "harbour operations" have the meanings given to them by section 38(1) of the Harbours Act (Northern Ireland) 1970[F74].

F74 1970 c. 1 (NI)

Further provisions relating to weighing of motor vehicles

87.—(1) Where a motor vehicle or trailer is weighed under Article 86, a certificate of weight must be given to the person in charge of the vehicle, and the certificate so given shall exempt the motor vehicle and the trailer, if any, from being weighed so long as it is during the continuance of the same journey carrying the same load.

(2) A certificate in the prescribed form which—

(a) purports to be signed by an authorised person (within the meaning of Article 86), 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 Article 86(1),

shall be evidence of the matter so stated.

(3) If, for the purposes of or in connection with the determination of any weight in relation to a vehicle which is brought to weighbridge or other machine as mentioned in Article 86(1), and authorised person (within the meaning of that Article)—

(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.

Cycles and horse-drawn vehicles

Regulation of brakes, bells etc., on cycles

88.—(1) The Department may make regulations as to the use on roads or other public places of cycles, their construction and equipment and the conditions under which they may be so used.

(2) In particular, but without prejudice to the generality of paragraph (1), the regulations may make provision as to—

(a) the number, nature and efficiency of brakes and their maintenance in proper working order,

(b) the appliances to be fitted for signalling approach and their maintenance in proper working order, and

(c) the testing and inspection, by persons authorised under the regulations, of any equipment prescribed under this Article and of lighting equipment and reflectors.

(3) Regulations under this Article as to the use on roads of cycles may prohibit the sale or supply, or the offer of a sale or supply, of a cycle for delivery in such a condition that the use of it on a road in that condition would be a contravention of the regulations, but no provision made by virtue of this paragraph shall affect the validity of any contract or any rights arising under a contract.

(4) If a person sells or supplies or offers to sell or supply a cycle in contravention of any prohibition imposed by regulations made by virtue of paragraph (3), he is guilty of an offence, unless he proves—

(a) that it was sold, supplied or offered for export from Northern Ireland, or

(b) that he had reasonable cause to believe that it 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.

Regulation of brakes on horse-drawn vehicles

89.—(1) The Department may make regulations for regulating the number, nature and use of brakes, including skid pans and locking-chains, in the case of vehicles drawn by horses or other animals, or any class of such vehicles, when used on roads.

(2) Regulations under this Article may be made for securing that such brakes are efficient and kept in proper working order, and for empowering persons authorised by or under the regulations to test and inspect any such brakes, whether on a road or elsewhere.

Miscellaneous

Offences to do with reflectors and tail lamps

90. A person who sells, or offers or exposes for sale, any appliance adapted for use as a reflector or tail lamp to be carried on a vehicle in accordance with the provisions of this Order or of any regulations made under it, not being an appliance which complies with the construction and use requirements applicable to a class of vehicles for which the appliance is adapted, is guilty of an offence.

Appointment of officials

91.—(1) Subject to the consent of the Department of Finance and Personnel as to number, the Department may appoint such officers and servants as it considers necessary for the operation of the provisions of Articles 76 to 81.

(2) There shall be paid to examiners appointed under Article 74 such remuneration or salaries and such allowances (if any) as the Department may, with the consent of the Department of Finance and Personnel, determine.

PART IV

Miscellaneous Amendments of the Order of 1981

Licensing of motor cyclists

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

[[F75]"(d) shall not authorise a person[F76]. . . , before he has passed a test of competence to drive a motor bicycle,—

(i) to drive a motor bicycle without a sidecar unless it is a learner motor bicycle (as defined in paragraph (5)) or its first use (as defined in regulations) occurred before such date as may be prescribed and the cylinder capacity of its engine does not exceed 125 cubic centimetres, or

(ii) to drive a motor bicycle with a sidecar unless its power to weight ratio is less than or equal to 0.16 kilowatts per kilogram.”**]**

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

“(5) A learner motor**[**[F75] bicycle**]** is a motor**[**[F75] bicycle**]** which either is propelled by electric power or has the following characteristics—

(a) the cylinder capacity of its engine does not exceed 125 cubic centimetres,

[[F75](b) the maximum net power output of its engine does to exceed 11 kilowatts.**]**

[[F75](5A) In this Article—

“maximum net power output”, in relation to an engine, means the maximum net power output measured under full engine load, and

“power to weight ratio”, in relation to a motor bicycle with a sidecar, means the ratio of the maximum net power output of the engine of the motor bicycle to the weight of the combination with—

(a) a full supply of fuel in the tank,

(b) an adequate supply of other liquids needed for its propulsion, and

(c) no load other than its normal equipment, including loose tools.”

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

(a) in paragraph (3) immediately after the word “drive” there shall be inserted “ (a) ”; and

(b) at the end of that paragraph there shall be added the following—

“or

(b) unless**[**[F76] he has passed a test of competence to drive a motor bicycle**]** which, by virtue of Article 13(3)(d), a provisional licence would not authorise him to drive before he had passed that test[F76]. . . ” .**]**

F75 SR 1996/426
F76 SR 1997/241

Art. 93 rep. by 1997 NI 2

Arts. 94#97 rep. by 1996 NI 10

Duties on occurrence of an accident

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

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

Paras. (3), (4) rep. by 1996 NI 10

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

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

Powers of vehicle examiners

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

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

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

Arts.100#103 rep by 1996 NI 10

PART V

GENERAL AND SUPPLEMENTARY PROVISIONS

Offences

Art. 104 rep by 1996 NI 10

Application of Order

Application of Order to hovercraft

105.—(1) For the purposes of this Order**[**[F77] and the Offenders Order**]**, a hovercraft (in this Article referred to as a hover vehicle) —

(a) is a motor vehicle, whether or not it is intended or adapted for use on roads, but

(b) apart from that is to be treated, subject to paragraph (2), as not being a vehicle of any of theclasses defined in Article 3.

(2) The Department may by regulations provide—

(a) that any provisions of this Order which would otherwise apply to hover vehicles shall not apply to them or shall apply to them subject to such modifications as may be specified in the regulations, or

(b) that any such provision which would not otherwise apply to hover vehicles shall apply to them subject to such modifications (if any) as may be specified in the regulations.

F77 1996 NI 10

Application of Order to trolley vehicles

106. The following provisions of this Order, that is to say—

(a) Articles 9, 10, 12, 14 and 15;

(b) Article 32;

(c) so much of Article 55 as authorises the Department to make regulations with respect to lighting equipment and reflectors;

Sub#para.(d) rep. by 1996 NI 10

together with so much of the other provisions of the Road Traffic Orders as relate to those provisions shall, without prejudice to Article 8, 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.

Application of Order to invalid carriages

107. The Department may by regulations provide that a mechanically propelled vehicle which is an invalid carriage—

(a) complying with the prescribed requirements, and

(b) being used in accordance with the prescribed conditions,

is to be treated for such purposes of this Order as may be prescribed as not being a motor vehicle.

Application of Order to the Crown

108.—(1) Subject to the following provisions of this Article—

(a) Part II; and

(b) Part III, except Articles 76 to 82 and 85;

apply to vehicles and persons in the public service of the Crown.

(2) Articles 65 to 69 apply—

(a) to vehicles in the public service of the Crown only if they are liable to be registered under the Vehicle Excise and Registration Act 1994[F78];

(b) to trailers in the public service of the Crown only while drawn by vehicles (whether or not in the public service of the Crown) which are required to be so registered.

(3) Where those Articles so apply, examinations of such vehicles in pursuance of regulations under Article 65 may be made by or under the directions of examiners authorised by the Department for the purpose instead of under the directions of examiners appointed under Article 74.

F78 1994 c. 22

Application of Order in relation to harbour commissioners

109.—(1) Except to the extent provided by this Article[F79]. . . 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 purposes 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 9, 10, 12, 14 and 15;

(b) Articles 32 and 38;

(c) Articles 40 to 44; and

(d) so much of Article 55 as authorises the Department to make regulations with respect to lighting equipment and reflectors.

(3) For the purpose of those 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.

F79 1997 NI 2

Modifications etc. (not altering text)

C11 Art. 109 excluded (23.11.2009) by Taxis Act (Northern Ireland) 2008 (c. 4), **ss. 54(4)**, 59; S.R. 2009/352, **art. 2**, Sch.

Supplementary

General provisions as to orders and regulations

110.—(1) Except as is otherwise expressly provided by this Order, orders made by the Department under this Order shall be subject to negative resolution.

(2) 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.

(3) Except as is otherwise provided by paragraph (4), regulations made under this Order shall be subject to negative resolution.

(4) Regulations—

(a) made under Article 6, 13(2), 19(3) or 23; or

(b) made under Article 24 for the purposes of paragraph (3) or (4) of that Article,

shall be subject to affirmative resolution.

(5) Without prejudice to the provisions of section 17(3) of the Interpretation Act (Northern Ireland) 1954[F80], 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.

F80 1954 c. 33 (NI)

Savings and transitional provisions

111.—(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) Nothing in regulations made under Article 69(5) or in Article 71 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[F81].

(3) The Department may by order make such transitional provision as appears to it necessary or expedient for the purpose of giving effect to this Order.

(4) Nothing in this Article, or in an order made under paragraph (3), shall prejudice the operation of the Interpretation Act (Northern Ireland) 1954.

F81 1967 c. 37 (NI)

Art. 112—Amendments and repeals

SCHEDULES

SCHEDULE I

Articles 26, 28 and 29

Supplementary Provisions in connection with Proceedings for Offences under Articles 16, 28 and 29(4)

1.—(1) A person against whom proceedings are brought for an offence under Article 26, 28 or 29(4) shall, upon complaint on oath and in writing made to a justice of the peace for the county court division 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 Article was due brought before the court in the proceedings.

(2) 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—

(a) that other person may be convicted of the offence; and

(b) if the original accused further proves that he has used all due diligence to secure that Article 26, 28 or, as the case may be, 29(4) was complied with, he shall be acquitted of the offence.

(3) Where an accused seeks to avail himself of the provisions of sub-paragraphs (1) and (2)—

(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; and

(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.

2.—(1) Where—

(a) it appears that an offence under Article 26, 28 or 29(4) has been committed in respect of which proceedings might be taken against some person (in this Schedule referred to as "the original offender"); and

(b) a person proposing to take proceedings in respect of the offence is reasonably satisfied—

(i) 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

(ii) that the original offender could establish a defence under paragraph 1,

the proceedings may be taken against that other person without proceedings first being taken against the original offender.

(2) 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.

3.—(1) Subject to the provisions of this paragraph, in any proceedings for an offence under Article 26, it shall be a defence for the accused to prove—

(a) if the offence is under paragraph (3)(a) of that Article—

(i) that he purchased the equipment in question as being of a type which could be lawfully sold or offered or exposed for sale as conducive to the safety in the event

of accident of prescribed classes of children in prescribed classes of motor vehicles and with a written warranty to that effect;

(ii) 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

(iii) That it was then in the same state as when he purchased it;

(b) if the offence is under paragraph (3)(b) of that Article, he provided information in relation to the equipment and it is alleged that it did not include appropriate information or included or consisted of inappropriate information—

(i) that the information provided by him was information which had been provided to him with a written warranty to the effect that it was the information required to be provided by him under Article 26; and

(ii) that he had no reason to believe at the time of the commission of the alleged offence that the information provided by him was not the information required to be provided under that paragraph; or

(c) if the offence is under paragraph (3)(b) of that Article, he provided information in relation to the equipment and it is alleged that it was not provided in the manner required under that Article—

(i) that the information provided by him had been provided to him either with a written warranty to the effect that it was provided to him in the manner in which it was required to be provided by him under that Article or with instructions as to the manner in which the information should be provided by him and with a written warranty to the effect that provision in that manner would comply with regulations under that Article;

(ii) that he had no reason to believe at the time of the commission of the alleged offence that he was not providing the information in the manner required under that Article; and

(iii) that the information was then in the same state as when it was provided to him or, as the case may be, that it was provided by him in accordance with the instructions given to him.

(2) Subject to the provisions of this paragraph, in any proceedings for an offence under Article 28 or 29(4) it shall be a defence for the accused to prove—

(a) that he purchased the helmet or appliance in question as being of a type which—

(i) in the case of Article 28, could be lawfully sold or offered or exposed for sale under that Article; and

(ii) in the case of Article 29(4), could be lawfully sold or offered or exposed for sale under Article 29 as authorised for use in the manner in question,

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.

(3) 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.

(4) Where the accused is a servant of the person who purchased the equipment, helmet or appliance in question under a warranty, or to whom the information in question was provided 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.

(5) 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.

4.—(1) An accused who in any proceedings for an offence under Article 26, 28 or 29(4) wilfully applies to equipment, information, a helmet or, as the case may be, an appliance a warranty not given in relation to it is guilty of an offence.

(2) A person who, in respect of equipment, a helmet, or an appliance sold by him, or information provided by him, being equipment, a helmet an appliance or information in respect of which a warranty might be pleaded under paragraph 3, gives to the purchaser a false warranty in writing, is guilty of an offence, unless he proves that when he gave the warranty he had reason to believe that the statements or description contained in it were accurate.

(3) Where the accused in a prosecution for an offence under Article 26, 28 or 29(4) relies successfully on a warranty given to him or his employer, any proceedings under subparagraph (2) in respect of the warranty may, at the option of the prosecutor, be taken before a court having jurisdiction in the county court division—

(a) in which the equipment, helmet or appliance, or any of the equipment, helmets or appliances, to which the warranty relates was procured;

(b) in which the information, or any of it, to which the warranty relates was provided; or

(c) in which the warranty was given.

5. In this Schedule, "equipment" means equipment to which Article 26 applies and "appliance" means an appliance to which Article 29 applies.

Schedule 2 rep. by 1996 NI 10

[F82SCHEDULE 2A

Article 24A]

Form of seat belt symbol for buses

F82 Sch. 2A inserted (27.2.2007) by Motor Vehicles (Wearing of Seat Belts) (Amendment) Regulations (Northern Ireland) 2007 (S.R. 2007/7), **reg. 6**

Schedule 3—Amendments

Schedule 4—Repeals

Status:
Point in time view as at 27/02/2007. This version of this Order contains provisions that are not valid for this point in time.

Changes to legislation:
The Road Traffic (Northern Ireland) Order 1995 is up to date with all changes known to be in force on or before 09 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.