
STATUTORY INSTRUMENTS

1995 No. 2994

The Road Traffic (Northern Ireland) Order 1995

Part III

Construction and Use of Vehicles and Equipment

Miscellaneous provisions about vehicles and vehicle parts

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.