
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

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(1).