
STATUTORY INSTRUMENTS

1995 No. 2994

The Road Traffic (Northern Ireland) Order 1995

PART II

Principal Road Safety Provisions

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(1), 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

Definition of “heavy commercial vehicle” for the purposes of Article 30

31.—(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(2), 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.

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 cause or to be likely to cause any obstruction or danger, he is guilty of an offence.