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STATUTORY INSTRUMENTS

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**1995 No. 2994**

**The Road Traffic (Northern Ireland) Order 1995**

**PART II**

**Principal Road Safety Provisions**

*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<sup>(1)</sup>.

**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.

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(1) 1983 NI 18

(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.