

SCHEDULES

SCHEDULE I

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^{F1}... 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.

F1 Words in Sch. I para. 1(1) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 106(a), Sch. 9 Pt. 1 (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

Changes to legislation:

The Road Traffic (Northern Ireland) Order 1995, Paragraph 1 is up to date with all changes known to be in force on or before 04 April 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.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

- Act amended by [1996 c. 25 s.79Sch.4 para.26](#)
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Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 13A inserted by [2016 c. 11 \(N.I.\) s. 2\(3\)](#)
- art. 17(8)(b)(v) and word added by [2008 c. 4 \(N.I.\) Sch. 2 para. 7\(b\)](#)
- art. 17D(1B) inserted by [2016 c. 11 \(N.I.\) s. 5\(2\)\(a\)](#)
- art. 17D(2)(aa) substituted for word by [2016 c. 11 \(N.I.\) s. 5\(2\)\(b\)](#)
- art. 17D(2A)(a) substituted for words by [2016 c. 11 \(N.I.\) s. 5\(2\)\(c\)\(i\)](#)
- art. 17D(2A)(b) inserted by [2016 c. 11 \(N.I.\) s. 5\(2\)\(c\)\(ii\)](#)
- art. 55(2)(m) inserted by [S.I. 2008/1216 \(N.I.\) art. 54\(1\)](#)
- art. 110(3A) inserted by [2016 c. 11 \(N.I.\) s. 22\(b\)](#)