

STATUTORY INSTRUMENTS

1997 No. 276

The Road Traffic Regulation (Northern Ireland) Order 1997

PART I INTRODUCTORY

Title and commencement

- 1.—(1) This Order may be cited as the Road Traffic Regulation (Northern Ireland) Order 1997.
- (2) Subject to paragraph (3), this Order shall come into operation on the expiration of two months from the day on which it is made.
- (3) Articles 55 and 56 and Article 75(2) so far as it relates to—
- (a) the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978;
 - (b) the provisions of the Order of 1981 and Article 4 of the Disabled Persons (Northern Ireland) Order 1982 relating to Article 174A of the Order of 1981;
 - (c) paragraph 22 of Schedule 3 to the Order of 1995; and
 - (d) Article 61(1), (2) and (4),

shall come into operation on such day or days as the Department may by order appoint^{F1}.

F1 fully exercised by SR 1997/410; SR 1998/296

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“carriageway” means a way constituted or comprised in a road being a way over which the public have a right of way for the passage of vehicles;

“constable” means a member of the Royal Ulster Constabulary or the Royal Ulster Constabulary Reserve;

“the Department” means the Department of the Environment;

“designated parking place” means a parking place designated by order under Article 15;

“disabled person's vehicle” means a vehicle lawfully displaying a badge of a form prescribed under section 14(1) of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978;

“driver”, where a separate person acts as a steersman of a motor vehicle, includes that person as well as any other person engaged in the driving of the vehicle;

“enactment” includes any order, regulation, rule, bye-law or other instrument made under a statutory provision;

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^{F2}“excess charge” in relation to an off-street parking place has the meaning given in Article 13(3) and in relation to a designated parking place has the meaning given in Article 16(1);

“experimental traffic control scheme” means a scheme under Article 5;

“the Highway Code” has the meaning assigned to it by Article 51(7) of the Order of 1995;

^{F2}“initial charge” in relation to an off-street parking place has the meaning given in Article 13(3) and in relation to a designated parking place has the meaning given in Article 16(1);

“motor vehicle” means, subject to Article 6 of the Order of 1995, a mechanically propelled vehicle (not being a tramcar or other vehicle running on permanent rails, or a trolley vehicle) which is intended or adapted for use on roads;

“off-street parking accommodation” means parking accommodation for vehicles otherwise than on roads;

“off-street parking place” means a parking place other than a parking place on a road;

“the Order of 1981” means the Road Traffic (Northern Ireland) Order 1981;

“the Order of 1995” means the Road Traffic (Northern Ireland) Order 1995;

“parking attendant” has the meaning assigned to it by Article 25;

“parking place” means a place where vehicles or vehicles of any particular class may wait;

“parking meter” has the meaning assigned to it by Article 16(2)(a);

Definition rep. by 2000 c. 32

“prescribed” means prescribed by regulations;

“public road” means a road which is maintainable by the Department, and includes any part of such a road and any bridge or tunnel over or through which such a road passes;

“road” includes a public road and any street, carriageway, highway or roadway to which the public has access;

“the Road Traffic Orders” means the Order of 1981, the Order of 1995 and this Order;

“special road” has the meaning assigned to it by Article 2(2) of the Roads (Northern Ireland) Order 1993;

“statutory provision” has the meaning assigned to it by section 1(f) of the Interpretation Act (Northern Ireland) 1954;

“traffic” includes the passage of animals on a road;

“traffic regulation order” means an order under Article 4;

“traffic sign” has the meaning assigned to it by Article 28;

“trailer” means a vehicle drawn by a motor vehicle;

“trolley vehicle” means a mechanically propelled vehicle adapted for use without rails under power transmitted to the vehicle from some external source (whether or not there is in addition a source of power on board the vehicle);

“vehicle” includes a cycle and a trailer.

F2 prosp. rep. by [2005 NI 14](#)

PART II

RULES OF THE ROAD

Rule of the road

3.—(1) A person driving or riding a vehicle or animal on a road shall, except where it is unreasonable in the circumstances to do so and except where otherwise provided by paragraph (2) or indicated by a traffic sign or the Highway Code, drive or ride the vehicle or animal on the left or near side of the carriageway, having regard to the direction in which he is proceeding.

(2) A person driving or riding a vehicle on a road and overtaking a vehicle on that road shall, except where the Highway Code indicates that he may overtake on the left or near side, overtake on the right or off side of that other vehicle.

(3) A person who contravenes paragraph (1) or (2) is guilty of an offence.

PART III

GENERAL PROVISIONS AS TO REGULATION OF TRAFFIC

Traffic regulation orders

4^{F3}.—(1) The Department may by order (a “traffic regulation order”) make provision in respect of any public road for all or any of the following purposes—

- (a) for avoiding danger to persons or other traffic using that or any other road or for preventing the likelihood of any such danger arising;
- (b) for preventing damage to the road or to any building on or near the road;
- (c) for facilitating the movement of traffic (including pedestrians) on that road or any other road;
- (d) for preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property;
- (e) for preserving or improving the amenities of the area through which the road runs; or
- (f) for conserving or enhancing the natural beauty and amenity of the countryside (including its flora, fauna and geological and physiographical features) or for affording better opportunities for the public to enjoy the amenities of the countryside, or recreation or the study of nature in the countryside.^[F4] or]

^[F4](g) for any of the purposes specified in sub-paragraphs (a) to (c) of paragraph (1) of Article 15 of the Environment (Northern Ireland) Order 2002.]

(2) A traffic regulation order may make any provision prohibiting, restricting or regulating the use of a public road by traffic (including pedestrians)—

- (a) either generally or subject to such exceptions as may be specified in the order or determined in a manner provided for by it; and
- (b) subject to such exceptions as may be so specified or determined, either at all times or at times, on days or during periods so specified.

(3) The provision that may be made by a traffic regulation order includes any provision—

- (a) requiring vehicles to proceed in a specified direction or prohibiting their so proceeding;

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- (b) specifying the part of the public road to be used by vehicles proceeding in a specified direction;
- (c) prohibiting or restricting the waiting of vehicles in any public road or in any area or the loading or unloading of vehicles;
- (d) prohibiting the use of public roads by through traffic; or
- (e) prohibiting or restricting overtaking.

(4) A traffic regulation order may make provision for identifying any part of any public road to which, or any time at which or any period during which, any provision contained in the order is, for the time being to apply by means of a traffic sign of a type or character specified in the order; and for the purposes of any such order any such traffic sign placed on or near a road shall be deemed to be lawfully in place unless the contrary is proved.

[^{F5}(4A) A traffic regulation order may—

- (a) specify any public road or any area by reference to a map prepared under Article 36 of the Traffic Management (Northern Ireland) Order 2005 which is not part of the order; and
- (b) provide that the order shall have effect as if the map were part of the order.]

(5) Any person who contravenes a traffic regulation order is guilty of an offence.

(6) Schedule 1 (which makes further provision in relation to traffic regulation orders) shall have effect.

F3	mod. (retrosp.) by 2005 NI 14
F4	2002 NI 7
F5	2005 NI 14

Experimental traffic control schemes

5.—(1) For the purpose of carrying out the experimental control of traffic, the Department may, subject to this Article, make and implement schemes (“experimental traffic control schemes”).

(2) An experimental traffic control scheme may make the like provision as may be made by a traffic regulation order.

(3) Where it appears to the Department that it is essential in the interests of the expeditious, convenient and safe movement of traffic or for preserving or improving the amenities of the area through which any road affected by an experimental traffic control scheme runs, the Department may, after giving such public notice as it considers appropriate, modify or suspend an experimental traffic control scheme.

(4) Subject to paragraph (5), an experimental traffic control scheme shall, unless previously revoked, cease to be in force on the expiration of six months from the date on which it came into force.

(5) Subject to paragraph (6), where an experimental traffic control scheme has not ceased to be in force, the Department may direct that the scheme shall continue in force for a further period not exceeding six months from the date when it would otherwise cease to be in force.

(6) Subject to paragraph (7), nothing in paragraph (5) shall authorise the continuance in force of an experimental traffic control scheme for a period exceeding 18 months from the date when it first came into force.

(7) Paragraph (6) shall not apply in relation to an experimental traffic control scheme where the Department proposes to make a traffic regulation order the sole effect of which is to reproduce and continue indefinitely the provisions of the scheme but, in consequence of causing a public inquiry

to be held under paragraph 4 of Schedule 1, the Department is unable to make the traffic regulation order so that it comes into operation before the scheme ceases to be in force.

(8) The Department may direct (in an experimental traffic control scheme or otherwise) that while the scheme is in force, any provision previously made by or under an enactment, being a provision that could have been made by the scheme, is suspended or modified to such extent, and in such manner as the Department considers necessary in consequence of the scheme.

(9) Any person who contravenes an experimental traffic control scheme is guilty of an offence.

(10) Schedule 2 (which makes further provision in relation to experimental traffic control schemes) shall have effect.

Temporary suspension of traffic regulation orders or experimental traffic control schemes

6.—(1) The Chief Constable may suspend temporarily the operation of any provision of a traffic regulation order or an experimental traffic control scheme in order to prevent or mitigate congestion or obstruction of traffic, or danger to or from traffic in consequence of extraordinary circumstances.

(2) Subject to paragraph (3), the period of suspension under paragraph (1) shall not continue for more than seven days.

(3) If the Department gives its consent to the period of suspension being continued for more than seven days, the suspension shall continue until the end of such period as may be specified by the Department in giving its consent.

Temporary traffic regulation

7.—(1) If the Department is satisfied that traffic on a public road should be restricted or prohibited—

- (a) because works are being or are proposed to be executed on or near the road; or
- (b) because of the likelihood of danger to the public, or of serious damage to the road, which is not attributable to such works; or
- (c) for the purpose of enabling the duty imposed by Article 7(1)(a) or (2) of the Litter (Northern Ireland) Order 1994 (litter clearing and cleaning by district councils) to be discharged,

the Department may restrict or prohibit temporarily the use of that road by traffic (including pedestrians) to such extent and subject to such conditions or exceptions as the Department considers necessary.

(2) When considering the exercise of its powers under this Article the Department shall have regard to the existence of alternative routes, where appropriate.

(3) The provision that may be made under paragraph (1) is—

- (a) any provision which may be made by a traffic regulation ,
- (b) any provision restricting the speed of vehicles; and
- (c) any provision restricting or prohibiting temporarily the use of a road by reference to traffic signs placed on or near a road;

and Article 50 of the Order of 1995 (contravention of traffic signs) shall apply to signs placed on or near a road for the purposes of this Article.

(4) Where the Department exercises its powers under paragraph (1), the Department may make as respects any alternative route any such provision as is authorised by paragraph (3).

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(5) Subject to paragraph (6), any provision made under paragraph (1) or (4) shall, unless previously revoked, cease to have effect at the end of the period of 18 months from the date on which the provision comes into force.

(6) Any provision made under paragraph (1) or (4) for the reason mentioned in sub-paragraph (a) of paragraph (1) shall, if not previously revoked, cease to have effect on the completion of the works mentioned in that sub-paragraph.

(7) Whether or not it exercises its powers under paragraph (1), the Department may direct that any provision to which this paragraph applies is suspended or modified to such extent, and in such manner, as the Department considers necessary for any reason or purpose mentioned in paragraph (1).

(8) Paragraph (7) applies to—

- (a) any provision previously made by or under an enactment, being a provision that could have been made under this Article;
- (b) any order under Article I O(4), 13 or 15.

(9) Any person who contravenes a restriction or prohibition under this Article is guilty of an offence.

(10) Schedule 3 (which makes further provision in relation to temporary traffic regulation) shall have effect.

Modifications etc. (not altering text)

- C1** [Art. 7](#) applied (with modifications) (22.6.2007) by [Road Tunnel Safety Regulations 2007 \(S.I. 2007/1520\)](#), [reg. 7\(4\)\(8\)](#)

General traffic regulations

8.—(1) The Department may make regulations for the control of traffic on roads (including pedestrian traffic).

(2) The Department may make regulations with respect to the use of vehicles of any kind whatsoever on roads.

(3) Any person who contravenes any regulations under this Article is guilty of an offence.

VALID FROM 04/09/2017

[^{F6}Prohibition or restriction of use of public roads: special events

8A Schedule 3A (which makes provision for prohibiting or restricting the use of public roads in connection with the holding of special events) shall have effect.]

- F6** [Art. 8A](#) inserted (prosp.) by [Roads \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2010 \(c. 14\)](#), [ss. 6\(2\), 9\(2\)\(a\)](#)

Supplementary

9.—(1) Where under this Part the Department imposes restrictions or prohibitions on the use of any road, the Department shall place or cause to be placed on or near the road such traffic signs as are necessary—

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- (a) to warn traffic that the use of the road is subject to those restrictions or prohibitions; and
 - (b) to indicate the nature and extent of those restrictions or prohibitions.
- (2) Where under this Part the Department imposes restrictions or prohibitions on the use of any road, the Department—
- (a) may place or cause to be placed on or near the road such bollards or other obstructions as it considers necessary for the purposes of those restrictions or prohibitions; and
 - (b) shall take all such steps as are reasonably necessary to secure that any such obstruction is not a danger to traffic.
- (3) This Part shall apply to animals as it applies to vehicles, subject to such modifications or exemptions (including provisions in respect of the number, weight or kinds of animals using a road) as the Department may provide under this Part.
- (4) The powers conferred by Article 7 shall be in addition to and not in derogation of any powers conferred on the Department by any other enactment.
- (5) Without prejudice to the generality of Article 8, regulations under that Article may prescribe the lights to be carried by persons in charge of animals on roads.

PART IV

PARKING PLACES

Power of Department to provide parking places

10.—(1) Where it appears to the Department to be necessary to do so, the Department may provide suitable parking places for vehicles in accordance with the provisions of this Article and Article 11.

(2) The Department may utilise any land which may be appropriated for the provision of parking places.

(3) The Department may take all such steps as may be necessary to adapt for use as a parking place any land, not being part of a road, which the Department may utilise under paragraph (2) or acquire under Article 110(2)(b)(iii) of the Roads (Northern Ireland) Order 1993.

(4) The Department may, subject to paragraphs (5) and (6), by order authorise the use as a parking place of any part of a road.

(5) An order under paragraph (4) shall not authorise the use of any part of a road—

(a) so as unreasonably to prevent—

(i) access to any premises adjoining the road; or

(ii) the use of the road by any person entitled to its use; or

(b) so as to be a nuisance.

(6) An order under paragraph (4) shall not be made in respect of any part of a road not maintainable by the Department without the consent of the person responsible for the maintenance of the road.

[^{F7}(6A) An order under paragraph (4) may—

(a) specify any road by reference to a map prepared under Article 36 of the Traffic Management (Northern Ireland) Order 2005 which is not part of the order; and

(b) provide that the order shall have effect as if the map were part of the order.]

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(7) Schedule 4 (which makes further provision relating to orders under this Article and Articles 13 and 15) shall have effect.

(8) For the purposes of this Part an underground parking place shall not be deemed to be part of a road by reason only of its being situated under a road.

(9) The powers of the Department to provide parking places under this Part include power to provide, on roads or elsewhere, cycle stands or racks.

F7 2005 NI 14

Additional powers in respect of off-street parking places

11.—(1) The powers of the Department under Article 10 to provide off-street parking places for vehicles shall include power—

- (a) provide such parking places below ground or in buildings, including buildings used also for other purposes, together with means of access to them;
- (b) to provide at such parking places buildings, facilities and apparatus for the storage and sale of fuel and lubricants and the supply of air and water for vehicles;
- (c) to provide toilets, rest rooms or other conveniences for use in connection with such parking places;
- (d) to erect or adapt, and to maintain, equip and manage buildings accordingly.

(2) Where the Department provides a parking place in a building, it may—

- (a) let on such terms as it thinks fit parts of the building which are not used for the purposes of the parking place; and
- (b) provide services for the benefit of persons occupying or using those parts; and
- (c) make such reasonable charges for those services as it thinks fit.

(3) The Department may enter into arrangements with any person under which, in consideration of the payment by him to the Department of a lump sum, or series of lump sums, he is authorised to collect and retain the charges made in respect of the parking of vehicles in an off-street parking place provided by the Department.

(4) The Department may let for use as a parking place any off-street parking place provided by it and, where the parking place is provided in a building, let it for such use separately from the rest of the building or let the whole or any part of the building with the parking place.

(5) The Department may—

- (a) let on such terms as it thinks fit land on which it has power under Article 10 and this Article to erect or adapt a building for the purpose of providing a parking place, with a view to some other person erecting or adapting a building on such land and providing, maintaining and operating a parking place in that building or in that part of that building;
- (b) arrange with any person for him to provide a parking place on any land of which he is the owner or in which he has an interest.

(6) The Department may let or hire out on such terms as it thinks fit such buildings, facilities or apparatus as are mentioned in paragraph (1)(b).

(7) The Department may erect barriers at any off-street parking place for the purpose of preventing or restricting the access of unauthorised vehicles to that parking place.

Provision of access to premises through off-street parking places

12.—(1) Where it appears to the Department that an off-street parking place may be used to provide a means of access from a road to any premises, the Department may adapt for use as, or for providing, such a means of access—

- (a) the off-street parking place;
- (b) any land to which Article 10(3) applies;
- (c) any road, with the consent of the person responsible for the maintenance of the road if it is not a public road.

(2) The Department may—

- (a) enter into an agreement with the occupier of the premises with respect to the use of the means of access and for the making by him of contributions towards the expenses incurred by the Department in providing the means of access;
- (b) grant, for such consideration and on such terms and conditions as may be agreed, to the occupier of the premises, or any other person having an interest in them, a right of way over any part of the parking place as is to be used as the means of access, and such other rights (if any) incidental to, or connected with, the use of the means of access as the Department thinks it necessary or expedient to grant.

(3) Subject to the provisions of any agreement made under sub-paragraph (a) of paragraph (2) and to any rights granted under sub-paragraph (b) of that paragraph, the Department may by order under Article 13 make provision as to the use of any parking place as a means of access and in particular as to—

- (a) the persons who or vehicles which may use the means of access; and
- (b) the conditions on which the means of access may be used.

(4) Subject to the provisions of any agreement made under sub-paragraph (a) of paragraph (2) and to any rights granted under sub-paragraph (b) of that paragraph, the Department may stop up any means of access provided under this Article.

(5) In this Article references to a parking place include references to the means of access to the parking place and references to the use of a means of access include references to such use by pedestrians.

Provisions as to use of parking places

13.—(1) The Department may by order make provision as to—

- (a) the use of any parking place provided under Article 10 or 11, and in particular the persons who, or vehicles which, may be entitled to use it; and
- (b) the conditions on which it may be used.

(2) An order under paragraph (1) may make provision as to the charges to be paid in connection with the use of an off-street parking place, including provision requiring those charges, or any part of them, to be paid by means of the hire or purchase in advance, or the use, of parking devices in accordance with the order.

^{F8}(3) The amount of any charge for a vehicle left in an off-street parking place shall be such amount as the Department may by an order under paragraph (1) determine, and any such amount may be fixed—

- (a) as an amount (an “initial charge”) payable in respect of an initial period and an amount (an “excess charge”) payable, in addition to an initial charge, in respect of any excess over an initial period; or
- (b) as an amount payable regardless of the period for which a vehicle is left; or

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- (c) in such other manner as may be specified in the order.
- ^{F8}(4) An order under paragraph (1) may make provision for—
- (a) imposing an alternative charge in such circumstances as may be specified in such an order;
 - (b) reducing any amount payable under such an order if it is paid within a period specified in the order.
- (5) An order under paragraph (1) may make provision as to—
- (a) the issue, display and operation of a specified apparatus or device for indicating the time at which a vehicle arrived at, and the time at which it ought to leave, a parking place, or one or other of those times;
 - (b) the use of a specified apparatus or device for indicating the charges paid or payable in respect of a vehicle left in an off-street parking place or for collecting any such charges.
- (6) An order under paragraph (1) may make provision—
- (a) for regulating the issue, use and surrender of parking devices;
 - (b) for requiring vehicles to display parking devices when left in any parking place in respect of which the parking devices may be used;
 - (c) without prejudice to the generality of sub-paragraph (b), for regulating the manner in which parking devices are to be displayed or operated;
 - (d) for regulating the use, and the manner of use, of any specified apparatus designed to be used in connection with parking devices;
 - (e) for treating—
 - (i) the indications given by a parking device, or
 - (ii) the display or failure to display a parking device on or in any vehicle left in a parking place,
 as evidence of such facts and for such purposes as may be provided by the order;
 - (f) for the refund, in such circumstances and in such manner as may be specified in the order, of the whole or part of the amount of any charge paid in advance in respect of a parking device;
 - (g) for the payment of a deposit in respect of the issue of a parking device and for the repayment of the whole or any part of such a deposit.
- (7) In this Article and in Article 14 “parking device” means either a card, disc, token, meter, permit, stamp or other similar device, whether used in a vehicle or not, which, being used either by itself, or in conjunction with any such apparatus as is referred to in paragraph (6)(d)—
- (a) indicates, or causes to be indicated, the payment of a charge, and—
 - (i) the period in respect of which it has been paid and the time of the beginning or end of the period, or
 - (ii) whether or not the period for which it has been paid or any further period has elapsed, or
 - (iii) the period for which the vehicle in relation to which the parking device is used is permitted to park in the parking place, and the time of the beginning or end of the period, or
 - (iv) whether or not the period for which the vehicle in relation to which the parking device is used is permitted to park in the parking place or any further period has elapsed; or
 - (b) operates apparatus controlling the entry of vehicles to or their exit from the parking place, or enables that apparatus to be operated;

or any other device of such description as may be prescribed for the purposes of this Article and Article 14.

(8) Regulations under paragraph (7) which revoke or amend previous regulations under that paragraph may make such saving and transitional provision as appears to the Department to be necessary or expedient.

(9) An order under paragraph (1) may restrict the use (either at all times or at times specified in the order) of a specified parking place authorised under Article 10(4)—

- (a) only to such persons or vehicles as may be authorised for the purpose by a permit issued by the Department under paragraph (10); or
- (b) both to such persons or vehicles and, subject to specified conditions as to duration of parking or times at which parking is authorised, to such other persons or vehicles as may be specified in the order.

(10) The Department may issue permits for the purposes of paragraph (9) and, in the case of any particular parking place and any particular vehicle or class of vehicle, issue a permit for that vehicle or class of vehicle to be left in the parking place while the permit remains in force, either at all times or at times specified in the permit.

(11) The Department may make such charge in connection with the issue of permits under paragraph (10), of such amount and payable in such manner, as the Department may determine.

(12) An order under paragraph (1) may make provision—

- (a) for regulating the issue, revocation and surrender of any permit such as is mentioned in paragraph (10) and the issue, use and surrender of tokens indicating the holding of such a permit, or the payment of any charge in connection with the issue of the permit;
- (b) for requiring a vehicle to which such a permit applies to display the permit or such a token when left in a parking place to which the permit applies, and for treating the display of or failure to display the permit or such a token on any vehicle left at a parking place as evidence of such facts and for such purposes as may be provided by the order;
- (c) for the refund, in such circumstances and in such manner as may be provided by the order, of the amount of any charge paid in advance by virtue of paragraph (11).

(13) An order under paragraph (1) may make provision as to—

- (a) the removal of any vehicle left in a parking place in contravention of such an order;
- (b) the removal in an emergency of any vehicle left in a parking place;
- (c) prohibiting the leaving of any thing, other than a vehicle, in an off-street parking place;
- (d) the removal from an off-street parking place of any thing, other than a vehicle, left there in contravention of an order ? under paragraph (1);
- (e) the safe custody of any thing (including a vehicle) removed under sub-paragraph (a), (b) or (d);
- (f) the disposal of any thing, other than a vehicle, removed under sub-paragraph (d);
- (g) the recovery of any costs reasonably incurred in connection with the removal, custody or disposal of any thing, other than a vehicle, removed under sub-paragraph (d).

(14) An order under paragraph (1) may make provision authorising the use of part of an off-street parking place—

- (a) for the collection of recyclable materials; or
- (b) for advertising; or
- (c) for displaying information to the public,

in accordance with a licence issued by the Department.

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(15) For the purposes of paragraph (14) the Department may issue licences for such consideration and on such terms and conditions as the Department thinks fit and an order under paragraph (1) may make provision regulating the issue, revocation and surrender of such licences.

(16) An order under paragraph (1) may make provision for the suspension of the use of a parking place or any part of it on such occasions or in such circumstances as may be specified in the order.

(17) A copy of any order under paragraph (1) relating to an off-street parking place shall be exhibited on or near that parking place.

(18) Schedule 4 makes further provision relating to orders under this Article.

F8 prosp. rep. by [2005 NI 14](#)

Offences and proceedings in connection with parking places provided under Article 10 or 11

14.—(1) In the event of any contravention of a provision of an order under Article 13, the person responsible is guilty of an offence.

(2) A person who, with intent to defraud—

(a) interferes with any such apparatus or device mentioned in Article 13(5) as is by an order under Article 13(1) to be used for the collection of charges at an off-street parking place, or operates or attempts to operate it by the insertion of objects other than current coins or bank notes of the appropriate denomination, or the appropriate credit or debit cards; or

(b) interferes with any such apparatus as is mentioned in Article 13(6) or with a parking device, or operates or attempts to operate any such apparatus or any parking device otherwise than in accordance with an order under Article 13(1), or

(c) displays a parking device otherwise than in accordance with an order under Article 13(1), is guilty of an offence.

(3) An order under Article 13(1) may include provision—

(a) for determining the person responsible for any contravention of the order;

^{F9}(b) for treating acceptance by the Department of payment of an alternative charge imposed under Article 13(4)(a) as a bar to proceedings for any such contravention specified in the order;

(c) for treating—

(i) the indications given by any such apparatus or device as is mentioned in Article 13(5) used in pursuance of the order or the absence of any such device from a vehicle left in a parking place, or

(ii) the indications given by any such apparatus as is mentioned in Article 13(6) used in pursuance of the order, or any tickets issued by it, or the absence of any ticket from a vehicle left in a parking place,

as evidence of such facts and for such purposes as may be provided by the order;

(d) for applying with any appropriate adaptations any of the provisions of Article 19(5) to (7).

(4) In this Article—

“credit card” means a card or similar thing issued by any person, use of which enables the holder to defer the payment by him of the charge for parking a vehicle; and

“debit card” means a card or similar thing issued by any person, use of which by the holder causes the charge for parking a vehicle to be paid by the electronic transfer of funds from a current account at a bank or other institution providing banking services.

Status: Point in time view as at 01/07/2006. This version of this Order contains provisions that are not valid for this point in time.

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(5) A person authorised by the Department in that behalf or a constable may secure the observance of orders under Article 13 and, where he has reasonable cause to believe that the driver of a vehicle has contravened a provision of an order under that Article, may require the driver to stop the vehicle and provide his name and address.

(6) A person (other than a constable) exercising powers conferred under paragraph (5) shall, on request, produce some document showing that he is authorised by the Department to exercise those powers.

(7) For the purposes of paragraph (5), section 7 of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 (assault on, and obstruction of, constables, etc.) shall have effect in relation to a person authorised as mentioned in that paragraph as if he were a constable.

(8) Where the driver of a vehicle is alleged to be guilty of an offence under paragraph (1) in relation to an off-street parking place—

- (a) the person keeping the vehicle shall, within 14 days of service on him of a notice by or on behalf of the Department, give to the Department such information as to the identity of the driver as may be required by the notice;
- (b) any other person shall, if required as mentioned in sub-paragraph (a), give within the period there specified any information which it is in his power to give and which may lead to the identification of the driver.

(9) If a person fails to comply with paragraph (8), he is guilty of an offence unless he shows to the satisfaction of the court that he did not know and could not with reasonable diligence have ascertained who was the driver of the vehicle.

F9 prosp. rep. by [2005 NI 14](#)

Designation of parking places on roads for which charges may be made

15.—(1) The Department may by order—

- (a) designate parking places on public roads;
- (b) specify the vehicles or classes of vehicles by which places so designated may be used; and
- (c) impose charges for vehicles left in any parking place so designated.

(2) In determining what parking places are to be designated under paragraph (1), the Department shall consider both the interests of traffic and those of the owners and occupiers of adjoining property.

(3) In particular the Department shall have regard to—

- (a) the need for maintaining the safe and free movement of traffic;
- (b) the need for maintaining reasonable access to premises; and
- (c) the extent to which off-street parking accommodation is available in the neighbourhood or the provision of such parking accommodation is likely to be encouraged there by the designation of parking places under this Article,

(4) An order under paragraph (1) may designate a parking place for use (either at all times or at times specified in the order)—

- (a) only by such persons or vehicles as may be authorised for the purpose by a permit issued by the Department under paragraph (5); or
- (b) both by such persons or vehicles with or without charge and, subject to specified conditions as to duration of parking or times at which parking is authorised, by such other persons or vehicles as may be specified in the order.

[^{F10}(4A) An order under paragraph (1) may—

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- (a) designate a parking place or specify a public road by reference to a map prepared under Article 36 of the Traffic Management (Northern Ireland) Order 2005 which is not part of the order; and
 - (b) provide that the order shall have effect as if the map were part of the order.]
- (5) The Department may issue permits for the purposes of paragraph (4) and, in the case of any particular parking place and any particular vehicle or class of vehicle, issue a permit for that vehicle or class of vehicle to be left in the parking place while the permit remains in force, either at all times or at times specified in the permit.
- (6) The Department may make such charge in connection with the issue or use of permits under paragraph (5), of such amount and payable in such manner, as the Department may determine.
- (7) Schedule 4 makes further provision relating to orders under this Article.

F10 2005 NI 14

Charges for parking in designated parking places

16.—^{F11}(1) Subject to paragraph (4), the amount of the charge for a vehicle left in a parking place designated by order under Article 15 shall be such amount as the Department may by order under that Article determine, and any such amount may be fixed—

- (a) as an amount (an “initial charge”) payable in respect of an initial period and an amount (an “excess charge”) payable, in addition to an initial charge, in respect of any excess over an initial period; or
 - (b) as an amount payable regardless of the period for which a vehicle is left; or
 - (c) in such other manner as may be specified in the order.
- (2) Provision may be made by order under Article 15 for—
- (a) regulating the time at which and the method by which any charge is to be paid and requiring the use of an apparatus or device (a “parking meter”) being an apparatus or device designed—
 - (i) to indicate whether any charge has been paid and whether the period for which it has been paid or any further period has elapsed, or
 - (ii) to indicate the time and to issue tickets indicating the payment of a charge and the period in respect of which it has been paid, or
 - (iii) in any other way to control or regulate the parking of vehicles or to measure or record the duration of such parking or to receive or acknowledge the receipt of a charge for such parking according to an amount or scale fixed by such an order and as measured or recorded by the apparatus or device;
 - (b) prohibiting the parking of vehicles on any road or part of a road either generally or specially or subject to such conditions as may be specified in the order including conditions prohibiting parking except by persons who use such parking meters and pay such charges as are referred to in sub-paragraph (a);
 - (c) requiring a vehicle to display a ticket issued by a parking meter when left in a parking place and treating the indications given by a parking meter or any ticket issued by it, or the display or failure to display such a ticket on any vehicle at a parking place, as evidence of such facts and for such purposes as may be provided by the order;
 - (d) prohibiting the insertion in a parking meter of coins or bank notes additional to those inserted by way of payment of any charge or prohibiting the insertion or re-insertion in a parking meter of a credit or debit card additional to the original insertion of such a card;

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- (e) exempting from the payment of any charge any vehicle left in a parking place in such circumstances as may be specified in the order and treating any vehicle so exempted as having been left there, and the charge from which it is exempted as having been paid, at such time as may be so specified.
- (3) Provision may be made by order under Article 15 for—
 - (a) regulating the issue, revocation and surrender of any permit such as is mentioned in Article 15(5) and the issue, use and surrender of tokens indicating the holding of such a permit, or the payment of any charge in connection with the issue or use of the permit;
 - (b) requiring a vehicle to which such a permit applies to display the permit or such a token when left in a parking place to which the permit applies, and treating the display of or failure to display the permit or such a token on any vehicle left at a parking place as evidence of such facts and for such purposes as may be provided by the order;
 - (c) refunding, in such circumstances and in such manner as may be provided by the order of all or part of any charge paid in advance by virtue of Article 15(6).
- (4) In this Article “credit card” and “debit card” have the same meanings as in Article 14.

F11 prosp. rep. by [2005 NI 14](#)

Regulation of designated parking places

17.—(1) An order under Article 15 may provide for regulating or restricting the use of a designated parking place, or otherwise for or in connection with the operation of such a parking place, and in particular, but without prejudice to the generality of the foregoing, may—

- (a) make provision for determining the manner in which vehicles shall be driven into or out of the parking place, the number and dimensions of spaces in which vehicles may be left in the parking place and the position in which vehicles may be left in those spaces;
 - (b) authorise the alteration of the position of vehicles in a parking place;
 - (c) provide for the suspension of the use of a parking place or any part of it on such occasions or in such circumstances as may be specified in the order, and for the temporary removal of any parking meters installed at a parking place;
 - (d) prohibit or restrict the carrying on of trade or other activities or the doing of any other thing at a parking place;
 - (e) specify the functions of parking attendants in relation to a designated parking place;
 - (f) provide for the illumination of a parking place and the erection or display of notices or traffic signs, and the carrying out of works on or in the vicinity of a parking place.
- (2) An order under Article 15 may make provision as to—
- (a) the removal from a parking place of any vehicle left there in contravention of such an order;
 - (b) the removal in an emergency of any vehicle left in a parking place; and
 - (c) the safe custody of any vehicle removed under sub-paragraph (a) or (b).

Supplementary provisions relating to designation orders

18.—(1) Where under an order under Article 15 vehicles may not be left at all times in a designated parking place—

- (a) the parking place shall for the purposes of Articles 16, 17 and 19 be treated, as respects any time during which vehicles may not be left there in pursuance of the order, as if it were not designated by the order;

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- (b) any vehicle left in the parking place which remains there at the beginning of a period during which vehicles may be left there in pursuance of the order shall for the purposes of those Articles be treated as if it had been left there at the beginning of that period, but without prejudice to any rights or liabilities in respect of anything done or omitted to be done at any time before the beginning or after the end of that period.
- (2) An order under Article 15 may vary or revoke—
 - (a) any traffic regulation order prohibiting or restricting the waiting of vehicles in any road; or
 - (b) any order under Article 10(4) authorising the use of any part of a road as a parking place, and any such order as is mentioned in sub-paragraph (a) or (b) may provide that the order shall not have effect as respects any time as respects which provision is made by an order under Article 15 for the leaving of vehicles in that part of the road.
- (3) A constable may suspend the use of a designated parking place for not more than seven days in order to prevent or mitigate congestion or obstruction of traffic, or danger to or from traffic, in consequence of extraordinary circumstances.

Offences relating to parking places on roads where charges may be made

19.—(1) If the driver of a vehicle—

- (a) otherwise than as authorised under Article 15—
 - (i) leaves the vehicle in a parking place designated under that Article; or
 - (ii) leaves the vehicle there for longer^{F12} after the excess charge has been incurred than the time so authorised; or
- (b) fails duly to pay any charge payable in respect of the vehicle; or
- (c) contravenes any provision of an order under that Article as to—
 - (i) the manner in which vehicles shall be driven into or out of a parking place; or
 - (ii) the position in which vehicles shall be left in a parking place,

he is guilty of an offence.

(2) In relation to an offence under paragraph (1)(b) the reference to the driver of a vehicle shall be construed as a reference to the person driving the vehicle at the time it was left in the parking place.

(3) If any person, whether the driver of a vehicle or not, contravenes any provision of an order under Article 15 otherwise than as mentioned in paragraph (1), he is guilty of an offence.

(4) A person who, with intent to defraud, interferes with a parking meter or operates or attempts to operate a parking meter by the insertion of objects other than current coins or bank notes of the appropriate denomination or the appropriate credit or debit cards is guilty of an offence.

(5) Where, in any proceedings for an offence under this Article of failing to pay any charge, it is proved that the amount which has become due, or any part of that amount, has not been duly paid, the court shall order the payment of the sum not paid and any such order may be enforced in like manner as an order for the payment of a sum adjudged to be paid on a conviction.

(6) Any sum ordered under paragraph (5) to be paid shall, for the purposes of any enactment providing for imprisonment in default of payment of a sum adjudged to be paid on a conviction, be aggregated with the amount of the fine, if any, ordered to be paid in respect of the offence.

^{F12}(7) Where, in any proceedings for an offence under this Article of failing to pay an excess charge, it is not proved that the excess charge had become due, but it is proved that an initial charge has not been paid, the defendant may be convicted of an offence under this Article of failing to pay an initial charge.

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(8) Without prejudice to the right of any other person to institute proceedings the Department may institute proceedings for an offence under this Article.

(9) Any apparatus (within the meaning of Article 26) and any notice or traffic sign erected by the Department for the purposes of a designated parking place shall, unless the contrary is proved, be deemed to have been lawfully so erected.

F12 prosp. rep. by 2005 NI 14

Acceptance of payment as bar to proceedings under Article 19

20. Where in the case of any vehicle—

- (a) an authorisation by way of such a permit or token as is referred to in Article 16(3) has been issued with respect to the vehicle; and
- (b) the Department is satisfied that, in accordance with the terms on which the authorisation was issued, a charge has become payable and has not been paid in respect of any period for which the vehicle has been left in a parking place,

acceptance by the Department of payment of the amount of that charge shall be a bar to proceedings for an offence under Article 19(1)(b) of failing duly to pay the charge.

Parking devices for designated parking places

21.—(1) Any power of the Department under Article 15(1) to impose charges for vehicles left in a designated parking place shall include power to require those charges, or any part of them, to be paid by means of the hire or purchase in advance, or the use, of parking devices in accordance with any relevant provision of an order under that Article.

(2) The provision which may be made by virtue of Article 16(3) includes provision—

- (a) for regulating the issue, use and surrender of parking devices;
- (b) for requiring vehicles to display parking devices when left in any parking place in respect of which parking devices may be used;
- (c) without prejudice to the generality of sub-paragraph (b), for regulating the manner in which parking devices are to be displayed or operated;
- (d) for regulating the use, and the manner of use, of apparatus designed to be used in connection with parking devices;
- (e) for treating—
 - (i) the indications given by a parking device; or
 - (ii) the display or the failure to display a parking device on or in any vehicle left in any parking place,as evidence of such facts and for such purposes as may be provided by the order;
- (f) for the refund, in such circumstances and in such manner as may be specified in the order, of the whole or part of the amount of any charge paid in advance in respect of a parking device;—
- (g) for the payment of a deposit in respect of the issue of a parking device and for the repayment of the whole or part of any such deposit.

(3) For the purposes of paragraph (2)—

- (a) the reference to parking meters in Article 16(2)(c) and (d) shall include references to the apparatus referred to in paragraph (2)(d); and

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- (b) the reference in Article 16(2)(d) to the insertion in a parking meter of coins or bank notes additional to those inserted by way of payment of any charge or to the insertion or re-insertion in a parking meter of a credit or debit card additional to the original insertion of such a card shall include (so far as is appropriate) a reference to insertions or re-insertions in any such apparatus of parking devices additional to the original insertion of those devices.

(4) In this Article and Article 22 (offences in connection with parking devices) “parking device” means either a card, disc, token, meter, permit, stamp or other similar device, whether used in a vehicle or not, which, being used either by itself or in conjunction with any such apparatus as is referred to in paragraph (2)(d), indicates or causes to be indicated the payment of a charge, and—

- (a) the period in respect of which it has been paid and the time of the beginning or end of the period; or
- (b) whether or not the period for which it has been paid or any further period has elapsed; or
- (c) the period for which the vehicle in relation to which the parking device is used is permitted to park in the parking place, and the time of the beginning or end of that period; or
- (d) whether or not the period for which the vehicle in relation to which the device is used is permitted to park in the parking place or any further period has elapsed;

or any other device of such description as may be prescribed for the purposes of this Article and Article 22.

(5) Regulations under paragraph (4) which revoke or amend previous regulations under that paragraph may make such saving and transitional provision as appears to the Department to be necessary or expedient.

Offences in connection with parking devices

22. A person who, with intent to defraud—

- (a) interferes with any apparatus referred to in Article 21(2)(d) or with a parking device, or operates or attempts to operate any such apparatus or any parking device otherwise than in accordance with an order under Article 15; or
- (b) displays a parking device otherwise than in accordance with an order under Article 15,

is guilty of an offence.

Mishandling of parking devices, etc.

23.—(1) A person who, with intent to deceive—

- (a) uses, or lends to, or allows to be used by, any other person—
- (i) any parking device or apparatus designed to be used in connection with parking devices;
- (ii) any ticket issued by a parking meter, parking device or apparatus designed to be used in connection with parking devices; or
- (iii) any such permit or token as is referred to in Article 16(3)(a); or
- (b) makes or has in his possession anything so closely resembling any such thing as is mentioned in sub-paragraph (a) as to be calculated to deceive,

is guilty of an offence.

(2) In this Article “parking device” has the same meaning as in Article 13 or, as the case may be, Article 21.

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Public service vehicle plying for hire in parking place

24. While a vehicle is within a designated parking place or a parking place provided under Article 10 or 11, the driver or conductor of the vehicle, and any person employed in connection with the vehicle, shall not ply for hire or accept passengers for hire, and any person acting in contravention of this Article is guilty of an offence.

Parking attendants

25.—(1) The Department may appoint such persons as may be necessary for the superintendence of parking places.

(2) Persons appointed under paragraph (1) shall be known as parking attendants.

Acquisition and inspection, etc., of apparatus

26.—(1) The Department may acquire, whether by purchase or hiring, such apparatus as appears to the Department to be required for the purposes of its functions under this Part.

(2) The Department may erect, maintain and operate any such apparatus—

- (a) in any off-street parking place provided under Article 10 or 11 or adjacent to such a parking place; or
- (b) in any parking place authorised under Article 10(4) or designated under Article 15 or in, on or near any road adjacent to such a parking place.

(3) The Department shall make periodical inspections and tests of apparatus provided by it and in use and shall deal with any found to be out of order.

(4) In this Article “apparatus” includes a parking meter and any device.

Protection of Department from liability

27. The exercise by the Department of its functions under this Part shall not render the Department subject to any liability in respect of the loss of or damage to any vehicle in a parking place or the fittings or contents of any such vehicle, unless such loss or damage is directly attributable to a negligent act of the Department or its servant or agent.

VALID FROM 23/11/2009

[^{F13}PART 4A

TAXIS

F13 Pt. 4A (art. 27A) inserted (23.11.2009) by [Taxis Act \(Northern Ireland\) 2008 \(c. 4\), ss. 21\(1\), 59;](#) S.R. 2009/352, [art. 2, Sch.](#)

Taxi regulation orders

27A.—(1) The Department may by order (a “taxi regulation order”) make provision for all or any of the following purposes—

- (a) for preventing taxis from standing or plying for hire or reward on, or preventing taxis from using except in accordance with the order, specified roads or lengths of roads;

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- (b) for providing which length of roads may be used as stands for taxis;
 - (c) for regulating the number of taxis which may stand at each stand and fixing the charges to be made and the time during which taxis may remain there;
 - (d) for regulating the times and intervals at, and the order in which, taxis may enter or leave such stands;
 - (e) for reserving particular stands for the use of taxis or of taxis plying on particular routes and excluding from those stands all other vehicles and generally regulating access to and the use of those stands.
- (2) Any person who contravenes a taxi regulation order is guilty of an offence
- (3) Schedule 4A (which makes further provision in relation to taxi regulation orders) shall have effect.
- (4) In this Article (and in Schedule 4A) “taxi” means a taxi within the meaning of the Taxis Act (Northern Ireland) 2008.]

PART V

TRAFFIC SIGNS

Traffic signs

28.—(1) In this Order “traffic sign” means any object or device (whether fixed or portable or attached to a vehicle) for conveying to traffic on roads warnings, information, requirements, restrictions or prohibitions of any description prescribed or authorised by the Department and any line or mark on a road for so conveying such warnings, information, requirements, restrictions or prohibitions.

(2) Traffic signs shall be of the prescribed size, colour and type except where the Department authorises the erection or retention of a sign of another character; and for the purposes of this paragraph, illumination, whether by lighting or by the use of reflectors or reflecting material, or the absence of such illumination, shall be part of the type or character of a sign.

(3) Regulations may require equipment used in connection with traffic signs to be of a type approved by the Department.

(4) Regulations or any authorisation under paragraph (2) may provide that Article 50 of the Order of 1995 shall apply to signs of a type specified in that behalf by the regulations or, as the case may be, to the sign to which the authorisation relates.

(5) Regulations may provide for this Part to apply to traffic mirrors as it applies to traffic signs, subject to such modifications as the Department considers necessary or expedient.

Power to provide signs

29.—(1) The Department may provide traffic signs on or near any public road.

(2) The Department may provide on or near any road in the vicinity of a public road such traffic signs as appear to the Department to be necessary for the control of traffic entering or leaving that public road.

(3) The Department may, subject to such conditions as it thinks fit, authorise the provision of traffic signs on or near a public road by a person other than the Department.

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(4) The Department may enter into an agreement with any person for the provision of traffic signs on or near a public road by the Department on terms that that person pays the whole or part of the expenses incurred by the Department.

(5) Where a road is maintainable by a person other than the Department, that person or the Department with the consent of that person may provide traffic signs on or near that road.

(6) The Department may alter or remove any traffic sign provided under this Article.

(7) The Department may enter on any land for the purposes of this Article.

(8) The Department shall pay compensation in respect of any damage done in the exercise of its powers under this Article and any question of disputed compensation shall be referred to and determined by the Lands Tribunal.

(9) In this Article “provide” includes provide on a vehicle, erect and maintain.

Warning devices for indicating temporary obstructions

30.—(1) The Department may by regulations under this Article—

- (a) prescribe a type or types of object or device for warning traffic of temporary obstructions on roads (in this Article referred to as a “prescribed warning device”); and
- (b) authorise, subject to such conditions as may be prescribed, persons not otherwise authorised to do so to place a prescribed warning device on a road or any prescribed description of road in such circumstances, in such manner and for such periods as may be prescribed.

(2) The Department may by regulations require, subject to such exceptions as may be prescribed,

- (a) any person owning, driving or having charge or control of a vehicle of any prescribed class or description, to carry, or cause to be carried, a prescribed warning device in or on that vehicle while it is being driven or used on a road; and
- (b) the person driving or in charge of a vehicle mentioned in sub-paragraph (a) to place that warning device on a road in the vicinity of that vehicle in such circumstances, in such manner and for such periods as may be prescribed.

(3) Any constable in uniform may stop and inspect any vehicle for the purpose of ascertaining that any regulations made pursuant to paragraph (2)(a) have been or are being complied with in respect of that vehicle.

(4) Any person who contravenes any requirement imposed under paragraph (2) is guilty of an offence.

Warning of danger to traffic

31.—(1) Where works to, on or near any road cause, or are likely to cause, danger to traffic,—

- (a) the person who has entered into a contract or otherwise undertaken to carry out those works shall make available to the person present at and for the time being in charge of carrying out those works such signs or other devices as would, if properly placed, provide adequate warning to traffic of that danger;
- (b) the person present at and for the time being in charge of carrying out those works shall—
 - (i) place and maintain those signs or devices, or cause those signs or devices to be placed and maintained in such manner as to give traffic sufficient warning of that danger; and
 - (ii) remove or cause to be removed those signs or devices as soon as the works have been completed.

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(2) For the purposes of paragraph (1), signs or devices which comply with, and are placed in accordance with, such general or other directions as may be given by an authorised officer of the Department shall be deemed to provide adequate warning to traffic.

(3) The works referred to in paragraph (1) do not include street works within the meaning of the Street Works (Northern Ireland) Order 1995.

(4) Any person who without reasonable excuse fails to comply with any requirement of paragraph (1) is guilty of an offence.

Power of constable, etc., to place traffic signs

32.—(1) A constable or a person acting under the instructions or directions (whether general or specific) of the Chief Constable may place traffic signs on or near a road for any of the following purposes—

- (a) preventing or mitigating congestion or obstruction of traffic, or danger to or from traffic;
- (b) warning traffic of a temporary obstruction;
- (c) requiring persons to stop under Article 180(1) of the Order of 1981.

(2) The power to place traffic signs conferred by paragraph (1) includes power to cause them to be placed and power to place them on a vehicle used for police purposes.

(3) Article 50 of the Order of 1995 (contravention of traffic signs) shall apply to signs placed in the exercise of the power conferred by this Article.

Modifications etc. (not altering text)

C2 Art. 32 extended by Police (Northern Ireland) Act 2003 (c. 6), Sch. 2A para. 13(4) (as inserted (22.4.2007) by Policing (Miscellaneous Provisions) (Northern Ireland) Order 2007 (S.I. 2007/912 (N.I. 6)), arts. 1(3), 7(8), Sch. 5)

Interference with, or damage to, traffic signs

33. Any person who, not being a person authorised by law to do so, intentionally interferes with or causes damage to a traffic sign is guilty of an offence.

Unauthorised signs

34.—(1) Any person who, not being a person authorised to do so by a member of the Royal Ulster Constabulary or otherwise, places or causes to be placed on or near a road—

- (a) any traffic sign; or
- (b) any sign purporting to be, or intended to simulate, a traffic sign,

is guilty of an offence.

(2) A constable who has reasonable cause to believe that a person has committed an offence under paragraph (1) may require that person to remove the sign in respect of which the offence was committed and, if that person refuses or fails to do so, the constable may himself remove it or authorise any other person to remove it.

(3) Any expenses reasonably incurred by a constable in connection with the removal of any sign under paragraph (2) shall be recoverable summarily as a civil debt due to the Police Authority by the person required to remove the sign under that paragraph.

(4) Any person who intentionally obstructs or impedes, or assists another person to obstruct or impede, the removal of a sign under this Article or Article 35 is guilty of an offence.

Status: Point in time view as at 01/07/2006. This version of this Order contains provisions that are not valid for this point in time.

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Powers of Department relating to the removal of signs

35.—(1) Where the Department has reasonable cause to believe that a person has committed an offence under Article 34(1), the Department may require that person to remove the sign in respect of which the offence was committed and if he fails or refuses to do so, the Department may remove the sign.

(2) The Department may by notice in writing require the owner or occupier of any land on which there is any object or device (whether fixed or portable) purporting to be for the guidance or direction of persons using a public road to remove it within such period as is specified in the notice.

(3) The period specified in the notice under paragraph (2) shall be—

- (a) five days where the Department considers that the object or device may prejudice the safety of persons using the road;
- (b) not less than 14 days in any other case.

(4) A person on whom a notice under paragraph (2) is served may make representations to the Department in writing within the period specified in accordance with paragraph (3) and the Department may extend the period specified in the notice to enable it to consider his representations.

(5) If the Department is satisfied that the removal of the object or device would cause serious hardship, the Department may authorise its retention on the land subject to any conditions the Department thinks fit to impose.

(6) If the Department is satisfied that the object or device should be removed but that its removal within the period specified in the notice under paragraph (2) would cause serious hardship the Department may extend that period subject to any conditions the Department thinks just.

(7) Where under paragraph (2) a person is required to remove an object or device and fails to do so within the period specified in a notice under paragraph (2) or within any extended period allowed by the Department under paragraph (4) or (6), the Department may enter on the land and remove the object or device.

(8) Any expenses reasonably incurred by the Department in removing a sign under paragraph (1) or (7) shall be recoverable summarily as a civil debt due to the Department by the person required to remove the sign under paragraph (1) or (2).

(9) This Article shall not apply to any object or device—

- (a) in respect of which planning permission under the Planning (Northern Ireland) Order 1991 is, or is deemed to be, granted; or
- (b) which constitutes development within the meaning of the Planning (Interim Development) Act (Northern Ireland) 1944 and was erected with the permission of a planning (N.I.) authority under the Planning Acts (Northern Ireland) 1931 and 1944,

except where the Department considers that the object or device may prejudice the safety of persons using a public road.

PART VI

SPEED LIMITS

General speed limit on restricted roads

36.—(1) Subject to the provisions of this Part, it shall not be lawful for any person to drive a motor vehicle on a restricted road at a speed exceeding 30 miles per hour.

(2) The Department may by order subject to affirmative resolution increase or reduce the speed fixed by paragraph (1) either as originally enacted or as varied under this paragraph.

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(3) The Department may by order provide that at times, on days or during periods specified in the order, paragraph (1) shall not apply—

- (a) as respects any length of road specified in the order; or
- (b) generally.

(4) Schedule 5 (which makes further provision relating to orders under paragraph (3)(a) and Articles 37 and 38) shall have effect.

Restricted roads

37.—(1) Subject to the provisions of this Article and Article 38(3), a length of road shall for the purposes of this Order be a restricted road—

- (a) if a system of street lighting furnished by means of lamps placed not more than 185 metres apart is provided on that length of road (not being a special road); or
- (b) if there is in force in relation to that length of road an order under paragraph (3)(a).

(2) The points at which any length of road begins and ceases to be a restricted road—

- (a) as respects such a restricted road as is referred to in paragraph (1)(a), shall be such points, distant not more than 185 metres from the first and last respectively of the lamps by means of which the system of lighting is furnished, as may be indicated by traffic signs;
- (b) as respects such a restricted road as is referred to in paragraph (1)(b), shall be such points as shall be designated in the relevant order.

(3) The Department may by order direct that any length of road specified in the order—

- (a) shall be a restricted road; or
- (b) shall, notwithstanding paragraph (1)(a), not be a restricted road.

(4) The powers conferred by sub-paragraphs (a) and (b) of paragraph (3) are exercisable in respect of any length of road which is already a restricted road by virtue of sub-paragraph (a) or (b) of paragraph (1).

Speed limits on roads other than restricted roads

38.—(1) The Department may by order as respects any road specified in the order prohibit—

- (a) the driving of motor vehicles on that road at a speed exceeding that specified in the order;
- (b) the driving of motor vehicles on that road at a speed exceeding that specified in the order during periods specified in the order; or
- (c) the driving of motor vehicles on that road at a speed exceeding the speed for the time being indicated by traffic signs in accordance with the order.

(2) An order under paragraph (1)(c) may—

- (a) make provision restricting the speeds that may be indicated by traffic signs or the periods during which the indications may be given; and
- (b) provide for the indications to be given only in such circumstances as may be determined by or under the order.

(3) While an order under paragraph (1)(a) is in operation as respects any road, that road shall not be a restricted road for the purposes of this Order.

Speed limits for particular classes of vehicles

39.—(1) The Department may make regulations with respect to the maximum speed of motor vehicles of any class specified in the regulations on any class, length or part of road so specified.

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(2) The powers conferred by this Article are in addition to and not in derogation of the powers conferred on the Department by Article 8.

Temporary or experimental speed limits

40.—(1) If the Department is satisfied that it is desirable to do so—

- (a) in the interests of safety; or
- (b) for the purpose of facilitating the movement of traffic,

the Department may, subject to paragraph (8), make an order under paragraph (2) or (3).

(2) The Department may by order prohibit the driving of motor vehicles at a speed greater than that specified in the order on—

- (a) any particular road so specified;
- (b) all roads in any area so specified;
- (c) all roads;
- (d) roads of any class so specified whether in a particular area or generally; or
- (e) all roads other than roads of a class so specified.

(3) The Department may by order prohibit the driving of motor vehicles at a speed less than that specified in the order on any road so specified, subject to such exceptions as may be so specified.

(4) Without prejudice to section 17(5) of the Interpretation Act (Northern Ireland) 1954, any prohibition imposed by an order under paragraph (2) or (3) may be imposed—

- (a) either generally or at times, on days or during periods specified in the order;
- (b) on the speed of vehicles generally or of any class or description of vehicles specified in the order on any length or portion of the carriageway so specified.

(5) Subject to paragraphs (6) and (7), an order under paragraph (2) or (3) shall, unless previously revoked, cease to be in force on the expiration of 18 months from the date on which it came into operation.

(6) The Department may by order continue in force for a period specified in the order or indefinitely the provisions of any order under paragraph (2) or (3).

(7) Where the Department proposes to make an order under paragraph (6), it may by order under this paragraph continue in force the provisions of any order under paragraph (2) or (3) for a period not exceeding two years from the date on which those provisions first came into operation (whether as provisions of that or a previous order under paragraph (2) or (3)).

(8) Before making an order under paragraph (2) or (3) or (7), the Department shall give public notice of its intention to do so (including publication of a notice in at least one newspaper circulating in the area to which the order applies).

(9) An order under paragraph (2) or (3) shall not operate to increase any maximum or minimum speed limit imposed under any other enactment (including any other provision of this Order) with respect to roads, motor vehicles or the drivers of motor vehicles.

Traffic signs for indicating speed restrictions

41.—(1) For the purpose of securing that adequate guidance is given to drivers of motor vehicles as to whether any, and if so what, limit of speed is to be observed on any road, the Department shall erect and maintain traffic signs in such positions as may be requisite for that purpose.

(2) For the purpose mentioned in paragraph (1), the Department may enter and erect and maintain traffic signs on a road which is not a public road; and the Department shall pay compensation in respect of any damage done in the exercise of its functions under this paragraph.

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(3) Any question of disputed compensation under paragraph (2) shall be referred to and determined by the Lands Tribunal.

Exemption for fire engines, etc.

42.—(1) No enactment imposing a speed limit on motor vehicles shall apply to any vehicle on an occasion when it is being used for [^{F14}fire and rescue,] ambulance, police, military or customs purposes, if compliance with that provision would be likely to hinder the use of the vehicle on that occasion for any of those purposes.

(2) In paragraph (1) the reference to ambulance purposes includes a reference to the purposes of a mobile coronary care unit.

(3) Nothing in this Article shall affect any civil claim for injury or damage to person or property.

F14 Words in art. 42(1) substituted (1.7.2006) by [Fire and Rescue Services \(Northern Ireland\) Order 2006 \(S.I. 2006/1254 \(N.I. 9\)\)](#), arts. 1(3), 63(1), **Sch. 3 para. 23** (with arts. 49, 62); S.R. 2006/257, **art. 2(b)(d)**

Contravening speed limit

43.—(1) Subject to paragraphs (2) and (3), any person who contravenes a speed limit fixed by or under any enactment (including this Part) is guilty of an offence.

(2) Where a restricted road leads directly into or out of an unrestricted road which is a public road, it shall be a good defence for any person charged with an offence under this Article for exceeding the speed limit applicable to the restricted road to prove that he entered on the restricted road from the unrestricted road and that at the time when he did so adequate guidance was not given by means of traffic signs required to be erected under Article 41 as to the place where the restriction began.

(3) It shall be a good defence for a person charged with an offence under this Article for contravening an order under Article 38 or 40 to prove that he entered on the road on which the offence is alleged to have been committed from a road on which no speed limit was in force or in respect of which a different speed limit was in force and that at the time of his entry he did not know and had no reasonable means of knowing that a speed limit was in force in respect of the road on which he entered.

(4) In any proceedings for an offence committed in contravention of Article 36 a certificate of an officer of the Department stating that a system of street lighting furnished by means of lamps placed not more than 185 metres apart was at the time when the offence is alleged to have been committed provided on any length of road specified in the certificate shall be evidence of the facts certified, and a document purporting to be such a certificate and to be signed by such an officer shall be deemed to be such a certificate unless the contrary is shown.

(5) If—

- (a) a person who employs another person to drive a motor vehicle gives any direction under which any journey is to be completed within some specified time; and
- (b) it is not practicable in the circumstances of the case at the time of the giving of the direction for that journey to be completed in the specified time without contravening a speed limit as mentioned in paragraph (1),

the giving of the direction shall be received as prima facie evidence that the employer procured or, as the case may be, incited the person employed by him to drive the vehicle to contravene that speed limit.

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PART VII

TRAFFIC WARDENS

Employment of traffic wardens

44.—(1) Subject to the provisions of this Part and Article 90(1) of the Road Traffic Offenders (Northern Ireland) Order 1996, the Chief Constable may authorise^[F15] traffic wardens appointed] by the^[F16] Policing Board] to discharge, in aid of the Royal Ulster Constabulary—

- (a) such functions normally undertaken by the Royal Ulster Constabulary in connection with the control and regulation of, or the enforcement of the law relating to, traffic (including pedestrians) or vehicles on roads or other public places; and
- (b) such other functions in connection with the functions described in sub-paragraph (a),

as the Department may by order specify; and persons so appointed or deemed to have been so appointed shall be known as traffic wardens.

(2) Subject to paragraph (3), an order made under this Article may provide that, for the purposes of any functions which traffic wardens are authorised to discharge by the order, references to a constable in any of the following provisions shall include references to a traffic warden—

- (a) Articles 177 to 179 and 180(1) to (3A), (4AB) and (7) of the Order of 1981;
- (b) Articles 49 and 50 of the Order of 1995;
- (c) Article 47 and, so far as it applies to vehicles to which Article 47(1) applies, Article 48;
- ^[F17](d) sections 14(4BA) and 14A(5) of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978.]

(3) Any power of a constable for the purposes of the provisions specified in sub-paragraph (a) or (d) of paragraph (2) shall be exercisable by a traffic warden under an order made by virtue of that paragraph only where—

- (a) the traffic warden is assisting a constable; or
- (b) the traffic warden has reasonable cause to believe that an offence has been committed of a description specified in relation to the Article in question for the purposes of this sub-paragraph by the order and, in the case of a power for the purposes of Article 177 of the Order of 1981, the order authorises the use of that power in relation to that offence; or
- (c) in the case of a power for the purposes of Article 180(1) of the Order of 1981, the traffic warden is exercising functions in connection with the control and regulation of traffic (including pedestrians) or vehicles.

F15 1998 c. 32
F16 2000 c.32
F17 2005 NI 14

Employment of traffic wardens as parking attendants

45. The Chief Constable may, with the approval of the^[F18] Policing Board], make arrangements with the Department for the employment of traffic wardens—

- (a) as parking attendants under Article 25 at any parking place provided or controlled by the Department;
- (b) to enforce limited waiting restrictions imposed by traffic regulation orders,

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and for the payment to the^{F18} Policing Board] of such sums as will make good to the^{F18} Policing Board] any expenditure incurred or likely to be incurred by the^{F18} Policing Board] in relation to traffic wardens while so employed.

F18 2000 c.32

Uniform of traffic wardens

46. Traffic wardens shall wear such uniform as the Chief Constable, with the approval of the Police Authority, may determine and shall not act as traffic wardens when not in uniform.

PART VIII

REMOVAL AND DISPOSAL OF VEHICLES

Power of constable to require removal of vehicles

47.—(1) This paragraph applies to a vehicle which—

- (a) has broken down, or been permitted to remain at rest, on a road in such a position or in such condition or in such circumstances as to cause obstruction to persons using the road or as to be likely to cause danger to such persons; or
- (b) has been permitted to remain at rest or has broken down and remained at rest on a road in contravention of any statutory prohibition or restriction.

(2) A constable may require the owner, driver or other person in control or in charge of any vehicle to which paragraph (1) applies to remove the vehicle as soon as practicable to another position on that or another road or to a place which is not on a road.

(3) For the purposes of this Article the suspension under Article 6 or 18(3) of the use of a parking place is a restriction imposed under this Order.

(4) In this Part—

“remove” includes arrange for removal; and

“vehicle” means any vehicle, whether or not it is in a fit state for use on roads, and includes any chassis or body, with or without wheels, appearing to have formed part of such a vehicle, and any load carried by, and anything attached to, such a vehicle.

Power of constable to remove vehicles

48.—(1) This paragraph applies to a vehicle—

- (a) to which Article 47(1) applies;
- (b) which appears to a constable to have broken down on a road and to have been abandoned; or
- (c) which has been permitted to remain at rest on a road in such a position or in such condition or in such circumstances as to appear to a constable to have been abandoned.

(2) A constable may remove a vehicle to which paragraph (1) applies to another position on that or another road or to a place which is not on a road.

(3) A constable may remove a vehicle under paragraph (2) by towing or driving it or in such other manner as he thinks necessary and may take such measures in relation to the vehicle as he thinks necessary to enable the vehicle to be removed.

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(4) Where—

- (a) a constable proposes to remove a vehicle to which paragraph (1)(b) or (c) applies; and
- (b) he considers that the vehicle is in such a condition that it ought to be destroyed,

he shall affix to the vehicle a notice stating that he proposes to remove the vehicle after a period of seven days for destruction.

(5) Any vehicle removed by a constable under paragraph (2) and appearing to him to have been abandoned may be delivered to a district council with its consent.

(6) While a vehicle is in the custody of a constable under this Article, not being a vehicle which in the opinion of the constable is in such a condition that it ought to be destroyed, he shall take such steps as are reasonably necessary for its safe custody.

Power of Department to remove vehicles

49.—(1) This paragraph applies to a vehicle (other than a vehicle which a district council is under a duty to remove under Article 30 of the Pollution Control and Local Government (Northern Ireland) Order 1978) which—

- (a) appears to the Department to have broken down on a public road and to have been abandoned; or
- (b) has been permitted to remain at rest on a public road in such a position or in such condition or in such circumstances as to appear to the Department to have been abandoned.

(2) The Department may remove a vehicle to which paragraph (1) applies to a place which is not on any road.

(3) The Department may remove a vehicle under paragraph (2) in such manner as it thinks necessary and may take such measures in relation to the vehicle as it thinks necessary to enable the vehicle to be removed.

(4) Where—

- (a) the Department proposes to remove a vehicle under paragraph (2); and
- (b) the Department considers that the vehicle is in such a condition that it ought to be destroyed,

the Department shall affix to the vehicle a notice stating that the Department proposes to remove the vehicle after a period of seven days for destruction.

(5) Any vehicle removed by the Department under paragraph (2) and appearing to the Department to have been abandoned may be delivered to a district council with its consent.

(6) While a vehicle is in the custody of the Department under this Article, not being a vehicle which in the opinion of the Department is in such a condition that it ought to be destroyed, the Department shall take such steps as are reasonably necessary for the safe custody of the vehicle.

Obstructing removal of vehicles

50. A person who intentionally obstructs or impedes, or assists another person to obstruct or impede, the removal of a vehicle under Article 47, 48 or 49, is guilty of an offence.

Disposal of vehicles by a police officer

51.—(1) Subject to paragraphs (2) to (4), a police officer may, in such manner as he thinks fit, dispose of a vehicle which appears to him to be abandoned and which has been, or could at any time be, removed in pursuance of Article 48 or an order under Article 13 or 15.

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(2) The time at which a vehicle may be disposed of by a police officer under paragraph (1) is as follows—

- (a) in the case of a vehicle which in his opinion is in such condition that it ought to be destroyed and on which no current licence was displayed at the time of its removal, any time in the course of or after its removal;
- (b) in the case of a vehicle which in his opinion is in such condition that it ought to be destroyed and on which a current licence was displayed at the time of its removal, any time after the licence expires;
- (c) in any other case, any time after the police officer has taken reasonable steps to find the owner of the vehicle and either—
 - (i) the police officer has failed to find such a person; or
 - (ii) he has failed to comply with a notice served on him requiring him to remove the vehicle from the custody of a constable within 21 days from the day on which the notice was served,

but, in a case where it appears to the police officer that a licence is in force in respect of the vehicle, not a time earlier than the expiration of the licence.

(3) In paragraph (2)—

- (a) any reference in sub-paragraphs (a) and (b) to a current licence includes a reference to a licence which was current during any part of the period of 14 days ending with the day preceding that on which the removal of the vehicle in question took place;
- (b) for the purposes of sub-paragraphs (b) and (c) a licence shall be treated as still in force for a period of 14 days beginning with the day following that on which it expired, and references to the expiration of the licence shall be construed accordingly.

(4) If, before a vehicle is disposed of under paragraph (1), the vehicle is claimed by a person who—

- (a) satisfies the police officer that he is the owner of the vehicle; and
- (b) pays the^{F19} Policing Board] such sums as may reasonably have been incurred in respect of the removal and storage of the vehicle,

the police officer shall permit him to remove the vehicle from the custody of a constable.

(5) If, before the expiration of one year from the date on which a vehicle is sold in pursuance of this Article, any person satisfies the^{F19} Policing Board] that at the time of the sale he was the owner of the vehicle, the^{F19} Policing Board] shall pay him any sum by which the proceeds of sale exceed the reasonable costs of the removal, storage and disposal of the vehicle.

(6) If in the case of any vehicle it appears to the^{F19} Policing Board] that more than one person is or was the owner of the vehicle at the relevant time, such one of them as the^{F19} Policing Board] thinks fit shall be treated as the owner of the vehicle for the purposes of paragraphs (4) and (5).

(7) In this Article and Article 52—

“licence”, in relation to a vehicle, means a licence issued in respect of the vehicle under the Vehicle Excise and Registration Act 1994 or anything which appears to the Department or a police officer to be a corresponding licence in a country outside Northern Ireland;

“owner”, in relation to a vehicle which is the subject of a hiring agreement or hire-purchase agreement, includes the person entitled to possession of the vehicle under the agreement;

“police officer” means a member of the Royal Ulster Constabulary not below the rank of Inspector.

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F19 2000 c.32

Disposal of vehicles by the Department

52.—(1) Subject to paragraphs (2) to (4), the Department may, in such manner as it thinks fit, dispose of a vehicle which appears to the Department to be abandoned and which has been, or could at any time be, removed in pursuance of Article 49 or an order under Article 13 or 15^{F20}.

(2) The time at which a vehicle may be disposed of by the Department under paragraph (1) is as follows—

- (a) in the case of a vehicle which in the opinion of the Department is in such condition that it ought to be destroyed and on which no current licence was displayed at the time of its removal, any time in the course of or after its removal;
- (b) in the case of a vehicle which in the opinion of the Department is in such condition that it ought to be destroyed and on which a current licence was displayed at the time of its removal, any time after the licence expires;
- (c) in any other case, any time after the Department has taken reasonable steps to find the owner of the vehicle and either—
 - (i) the Department has failed to find such a person; or
 - (ii) he has failed to comply with a notice served on him requiring him to remove the vehicle from the custody of the Department within 21 days from the day on which the notice was served,

but, in a case where it appears to the Department that a licence is in force in respect of the vehicle, not a time earlier than the expiration of the licence.

(3) In paragraph (2)—

- (a) any reference in sub-paragraphs (a) and (b) to a current licence includes a reference to a licence which was current during any part of the period of 14 days ending with the day preceding that on which the removal of the vehicle in question took place;
- (b) for the purposes of sub-paragraphs (b) and (c) a licence shall be treated as still in force for a period of 14 days beginning with the day following that on which it expired, and references to the expiration of the licence shall be construed accordingly.

(4) If, before a vehicle is disposed of under paragraph (1), the vehicle is claimed by a person who—

- (a) satisfies the Department that he is the owner of the vehicle; and
- (b) pays the Department^{F21} such sums as may reasonably have been incurred in respect of the removal and storage of the vehicle,

the Department shall permit him to remove the vehicle from its custody.

(5) If, before the expiration of one year from the date on which a vehicle is sold in pursuance of this Article, any person satisfies the Department that at the time of the sale he was the owner of the vehicle, the Department shall pay him any sum by which the proceeds of sale exceed the^{F21} reasonable costs of the removal, storage and disposal of the vehicle.

(6) If in the case of any vehicle it appears to the Department that more than one person is or was the owner of the vehicle at the relevant time, such one of them as the Department thinks fit shall be treated as the owner of the vehicle for the purposes of paragraphs (4) and (5).^{F20}

F20 prosp. addition by 2005 NI 14

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F21 prosp. subst. by [2005 NI 14](#)

Disposal of vehicles by district council

53. Where a vehicle is delivered to a district council under Article 48(5) or 49(5), Article 31 of the Pollution Control and Local Government (Northern Ireland) Order 1978 (disposal of removed vehicles) shall apply to that vehicle as it applies to a vehicle in the custody of the district council in pursuance of Article 30 of that Order with the substitution in paragraph (1)(a) of Article 31 of that Order for the reference to a notice affixed under paragraph (3) of Article 30 of a reference to a notice affixed under paragraph (4) of Article 48 or 49.

Recovery of expenses connected with removed vehicles

54.—(1) Where a vehicle is removed by the Department from a parking place in pursuance of an order under Article 13 or 15 or from a road under Article 49, the Department may recover from any person responsible any expenses reasonably incurred—

- (a) in respect of the removal of the vehicle;
- (b) in respect of any period during which the vehicle is in its custody; and
- (c) where the vehicle is disposed of under Article 52.

(2) Where a vehicle is removed by a constable from a road under Article 48, the^{F22} Policing Board] may recover from any person responsible any expenses reasonably incurred—

- (a) in respect of the removal of the vehicle;
- (b) in respect of any period during which the vehicle is in the custody of a constable; and
- (c) where the vehicle is disposed of under Article 51.

(3) Where a vehicle is in the custody of a district council under Article 48(5) or 49(5), the district council may recover from any person responsible any expenses reasonably incurred by it—

- (a) in respect of any period during which, the vehicle is in its custody; and
- (b) where the vehicle is disposed of under Article 31 of the Pollution Control and Local Government (Northern Ireland) Order 1978 (as applied by Article 53).

(4) In this Article “person responsible” in relation to a vehicle means—

- (a) the owner of the vehicle at the time when it was put in the place from which it was removed as mentioned in paragraph (1) or (2), unless he shows that he was not concerned in, and did not know of, its being put there;
- (b) the person by whom it was put in that place; or
- (c) any person convicted of an offence under Article 29(1) of the Pollution Control and Local Government (Northern Ireland) Order 1978 in consequence of the putting of the vehicle in that place.

(5) Any sum recoverable by virtue of this Article shall be a civil debt recoverable summarily.

(6) Without prejudice to paragraph (5), where any sum is recoverable in respect of a vehicle under paragraph (1)(a) or (b), the Department shall be entitled to retain custody of the vehicle until that sum has been paid.

(7) Without prejudice to paragraph (5), where any sum is recoverable in respect of a vehicle under paragraph (2)(a) or (b), a constable shall be entitled to retain custody of the vehicle until that sum has been paid.

F22 [2000 c.32](#)

PART IX MISCELLANEOUS

Disabled persons

Disabled persons' badges

55.—(1) Section 14 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978 (badges for display on motor vehicles used by disabled persons) shall be amended in accordance with paragraphs (2) to (7).

(2) For subsections (2) and (3) substitute the following subsection—

“(2) A badge may be issued to a disabled person of any prescribed description for one or more vehicles driven by him or used by him as a passenger.”.

(3) In subsection (4) the words from “and any badge” to the end shall cease to have effect.

(4) After subsection (4) there shall be inserted the following subsections—

“(4A) A badge issued under this section may be displayed only in such circumstances and in such manner as may be prescribed.

(4B) A person who drives a motor vehicle on a road (within the meaning of the Road Traffic Regulation (Northern Ireland) Order 1997) at a time when a badge of a form prescribed under this section is displayed on the vehicle is guilty of an offence unless the badge is issued under this section and displayed in accordance with regulations made under it.

(4C) A person guilty of an offence under subsection (4B) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.

(5) In subsection (5) the words from “and in the case” to the end shall cease to have effect.

(6) After subsection (7) there shall be inserted the following subsections—

“(7A) Where the prescribed conditions are met in the case of any person, then—

- (a) if he applies to the Department for the issue of a badge T under this section, the Department may by notice refuse the application; and
- (b) if he holds a badge issued under this section, the Department may by notice require him to return the badge P to the Department.

(7B) The conditions that may be prescribed for the purposes of subsection (7A) are conditions relating to the misuse of badges issued under this section.

(7C) A person whose application is refused under subsection (7A) or who is required to return his badge under that subsection may appeal to a court of summary jurisdiction which may confirm or reverse the decision of the Department; and if the court reverses it, the Department shall issue a badge accordingly or, as the case may be, the requirement to return the badge shall cease to have effect.

(7D) A badge which is required to be returned to the Department by virtue of subsection (6) may not be displayed on any vehicle; and a badge which is required to be returned to the Department by virtue of a notice under subsection (7A) shall be returned within the prescribed time and may not be displayed on any vehicle after that time.

(7E) Except in prescribed circumstances, a person who, without reasonable excuse, fails within the prescribed time to return a badge which is required to be returned to the Department by virtue of subsection (6) or a notice under subsection (7A) is guilty of an

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offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.” .

(7) For subsection (8) there shall be substituted the following subsections—

“(8) In this section “badge” includes duplicate badge and “motor vehicle” has the same meaning as in the Road Traffic (Northern Ireland) Order 1995.

(9) Section 24 of the Interpretation Act (Northern Ireland) 1954 shall apply in relation to a notice under subsection (7A) as if in subsection (1) of that section the word “registering” were omitted.” .

Arts. 56 & 57 rep. by 2005 NI 14

Road safety

Provisions for safety of pedestrians, etc.

58.—(1) The Department may erect and maintain on or near any public road rails and other barriers for—

- (a) protecting pedestrians from traffic passing along the road, or
- (b) preventing pedestrians from crossing the road at particular places.

(2) For the purpose of rendering the crossing of any public road less dangerous to pedestrians or for the purpose of facilitating the movement of, or protecting from danger, traffic passing along any such road, the Department may—

- (a) erect, light and maintain raised islands or places of refuge on the road, or
- (b) construct, light, maintain and temporarily close subways under, or footbridges over, the road for the use of pedestrians.

(3) Where a road is maintainable by a person other than the Department, the Department may, if that person so consents, erect and maintain on or near that road rails and other barriers as mentioned in paragraph (1).

(4) The Department may alter, remove or close anything erected or constructed under this Article.

(5) The Department shall pay compensation in respect of any damage done in the exercise of its functions under paragraph (3).

(6) Any question of disputed compensation shall be referred to and determined by the Lands Tribunal.

Pedestrian crossings

59.—(1) The Department may establish crossings for pedestrians on public roads (in this Order referred to as “pedestrian crossings”), and may alter or remove any such crossings.

(2) The Department may execute any works (including the placing, erection, maintenance, alteration and removal of marks and traffic signs) required in connection with the establishment, alteration or removal of pedestrian crossings.

(3) The Department may by regulations make such provision in connection with pedestrian crossings as it considers necessary or expedient.

(4) Any person who contravenes any regulations under paragraph (3) shall be guilty of an offence.

(5) The Department may by regulations provide that this Article shall apply in relation to other classes of traffic as it applies to pedestrians.

(6) This Article is without prejudice to the powers of the Department under Article 8 to make provision in respect of crossings for any class of traffic (including pedestrians).

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School crossings

60.—(1) Where between the hours of eight in the morning and half-past five in the afternoon a vehicle is approaching a place in a road where children on their way to or from school, or from one part of a school to another, are crossing or seeking to cross a road, a school crossing patrol wearing a uniform approved by the Department for the purposes of this Article may, by exhibiting a prescribed sign require the person driving or propelling the vehicle to stop it.

(2) Where a person has been required under paragraph (1) to stop a vehicle—

- (a) he shall cause the vehicle to stop before reaching the place where the children are crossing or seeking to cross and so as not to stop or impede their crossing; and
- (b) the vehicle shall not be put in motion again so as to reach the place in question so long as the sign continues to be exhibited.

(3) A person who contravenes sub-paragraph (a) of paragraph (2) or who causes a vehicle to be put in motion in contravention of sub-paragraph (b) of that paragraph shall be guilty of an offence.

(4) In this Article “prescribed sign” means a traffic sign prescribed or authorised by the Department for the purposes of this Article.

(5) For the purposes of this Article—

- (a) where it is proved that a sign was exhibited by a school crossing patrol, it shall be presumed, unless the contrary is proved, to be a prescribed sign and, if it was exhibited in circumstances in which it was required to be illuminated, to have been illuminated in the prescribed manner;
- (b) where it is proved that a person was wearing a uniform, the person shall be presumed, unless the contrary is proved, to be a person wearing a uniform approved by the Department for the purposes of this Article;
- (c) where it is proved that a prescribed sign was exhibited by a school crossing patrol at a place in a road where children were crossing or seeking to cross the road, it shall be presumed, unless the contrary is proved, that those children were on their way to or from school or from one part of a school to another.

Offences

Offences

Paras. (1), (2) rep. by 1997 NI 2

(3) Where a person is convicted of an offence under Article 14(1) and after conviction the contravention continues, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding one-tenth of the amount applicable under sub-paragraph (a) or (b) of paragraph (2) for each day on which the contravention continues.

Para. (4) rep. by 1997 NI 2

Para. (5)—Amendments

Other miscellaneous provisions

Permits authorising carriage of greater weights

62.—(1) The Department or a bridge authority may, as respects any road or bridge for the maintenance of which it is responsible issue (subject to such conditions, if any, as it thinks fit) a permit authorising any specified vehicle to carry on the road or bridge specified weights

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notwithstanding that when conveying such weights the vehicle does not comply with any regulations as to—

- (a) the laden weight of vehicles; or
- (b) the maximum weight which may be transmitted to the road or any part of it by vehicles.

(2) It shall not be an offence against the regulations referred to in paragraph (1), so long as the conditions, if any, attached to the permit are complied with, to use or to cause or permit the specified vehicle to be used for the carriage on that road or bridge of weights authorised by the permit.

(3) It shall be a condition of any permit issued under this Article that the permit shall be produced for examination at the request of a constable or any specified person.

(4) In this Article—

- “bridge authority” means the authority or person responsible for the maintenance of a bridge;
- “permit” means permit in writing;
- “road” means a road to which the public has access;
- “specified” means specified in the permit.

Repayment of charges

63.—(1) A provision in this Order conferring power to make provision for payment of a charge shall be treated as also conferring power to make provision about repayment of sums paid, or purported to be paid, in pursuance of provision made in exercise of that power.

(2) Without prejudice to the generality of the power conferred by paragraph (1), the provision which may be made by virtue of that paragraph includes provision—

- (a) that repayment shall be made only if a specified person is satisfied that specified conditions are met or in other specified circumstances;
 - (b) that repayment shall be made in part only;
 - (c) that, in the case of partial repayment, the amount shall be a specified sum or determined in a specified manner; and
 - (d) for repayment of different amounts in different circumstances.
- (3) In this Article “specified” means specified in the instrument exercising the power.

Power to install equipment for detection of traffic offences

64. After Article 65 of the Roads (Northern Ireland) Order 1993 (road humps and other traffic calming works) there shall be inserted the following Article—

“Equipment for detection of traffic offences

65A. The Department may install and maintain on or near a road structures and equipment for the detection of traffic offences.”

Inquiries

65.—(1) Schedule 6 shall have effect in relation to any inquiry authorised by any provision of this Order.

(2) For the purposes of any such inquiry^[F23] Schedule A1 to the Interpretation Act (Northern Ireland) 1954^[F23] (which applies in relation to inquiries by virtue of section 23 of^[F23] that Act) shall have effect as if the words “ or may, if the Department so determines, be wholly or partly defrayed by the Department ” were added at the end of^[F23] paragraph 7(1) of that Schedule.

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(3) Where an inquiry has been held under this Order, the Department may, after considering the report of the person who held the inquiry,—

- (a) determine to make the order or scheme; or
- (b) make the order or scheme either without modification or subject to such modifications as the Department thinks fit.

F23 2005 c. 12

Power to prohibit or restrict use of vehicles on certain bridges

66.—(1) Where the bridge authority of any bridge carrying a road used by the public is satisfied that the bridge is insufficient to bear vehicles of which the weight exceeds certain limits, the authority may by a conspicuous notice in the prescribed form placed in a proper position at each end of the bridge prohibit the use of the bridge by any vehicle of which the weight exceeds a maximum weight specified in the notice and any such notice may specify different maximum weights in relation to a vehicle travelling at a speed less than a speed specified in the notice, and in relation to a vehicle travelling at that speed or any greater speed.

(2) The Department shall, in respect of any public road leading to a bridge, give to the bridge authority reasonable facilities for placing on the road any notice under paragraph (1) and, if the Department so requires, the bridge authority shall erect warning notices in the prescribed form at the principal junctions of roads leading to the bridge.

(3) Before placing a restriction or prohibition or varying or revoking a restriction or prohibition under this Article on the use of a bridge the bridge authority (where it is not the Department) shall give the Department 28 days' notice of its intention to do so with particulars of the restriction or prohibition or the variation or revocation of the restriction or prohibition (or such shorter notice as may be agreed with the Department).

(4) The Department shall cause a list to be kept of all restrictions or prohibitions which have been placed on the use of bridges under this Article and the list shall be open to inspection by any person.

(5) If, without the consent of the bridge authority, a vehicle is driven across a bridge in contravention of a notice placed in accordance with paragraph (1), any person who so drives the vehicle, or causes or permits it to be so driven, shall be liable to make good to the bridge authority any damage caused to the bridge and, in addition and without prejudice to such liability, is guilty of an offence.

(6) If on any prosecution or proceedings under paragraph (5) the court is satisfied that there are reasonable grounds for believing that the weight of the vehicle exceeded any maximum weight specified in the notice, it shall lie on the defendant to prove the contrary.

(7) Any person or body of persons aggrieved by a restriction or prohibition placed on the use of a bridge under this Article may at any time apply to the Department, where it is not the bridge authority, for an order modifying or removing the restriction or prohibition.

(8) On receiving an application under paragraph (7), the Department may cause the bridge to be inspected, and may require the bridge authority to give to the inspector such information as to its structure and condition, and such other facilities for his investigation of the circumstances, as the bridge authority may be able to give; and may, if it thinks proper, after considering the report of the inspector and any representations made to it by the bridge authority, make an order modifying or removing the restriction or prohibition, or imposing different restrictions; and the bridge authority shall, within such time as may be specified in the order, cause notices to be erected in compliance with the order.

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(9) The Department may at any time on an application made to it by the bridge authority, or without such an application, vary or revoke any order made by it under paragraph (8), if it is satisfied that it is proper so to do.

(10) Where the Department is the bridge authority, any person or body of persons aggrieved by a restriction or prohibition placed on the use of a bridge under this Article may at any time apply to the Department for the modification or removal of the restriction or prohibition and the Department after considering the application may, if it thinks fit, modify or remove the restriction or prohibition.

(11) In this Article—

“bridge authority” means the authority or person responsible for the maintenance of a bridge;

“placed in a proper position” means placed in such a position either on or near the bridge, or on or near the road leading to the bridge, as to be visible at a reasonable distance from the bridge to the drivers of vehicles approaching it;

“weight” means any prescribed description of weight.

(12) Regulations under paragraph (11) may provide that Article 20 of the Road Traffic Offenders (Northern Ireland) Order 1996 shall have effect in relation to any proceedings for an offence under this Article as it has effect in relation to proceedings for an offence under Article 54, 56, 57 or 58 of the Order of 1995.

(13) The reference in paragraph (12) to Article 20 of the Road Traffic Offenders (Northern Ireland) Order 1996 includes a reference to Article 186 of the Order of 1981.

Prospective exercise of powers

67.—(1) Any power under this Order to make an order or give a direction relating to a road may be exercised before the road is open for public use, so as to take effect immediately on the road's becoming open for public use.

(2) The procedure for making an order or giving a direction applies in such a case with such modifications as may be prescribed.

Hovercraft

68.—(1) For the purposes of this Order and the Road Traffic Offenders (Northern Ireland) Order 1996, a hovercraft (in this Article referred to as a hover vehicle)—

- (a) is a motor vehicle, whether or not it is intended or adapted for use on roads; but
- (b) apart from that is to be treated, subject to paragraph (2), as not being a vehicle of any of the classes defined in Article 3 of the Order of 1995.

(2) The Department may by regulations provide—

- (a) that any provision of this Order which would otherwise apply to hover vehicles shall not apply to them or shall apply to them subject to such modifications as may be specified in the regulations; or
- (b) that any such provision which would not otherwise apply to hover vehicles shall apply to them subject to such modifications (if any) as may be specified in the regulations.

Trolley vehicles

69. Articles 7, 39 and 43, together with so much of the other provisions of this Order as relates to those provisions shall, without prejudice to Article 8 of the Order of 1995, apply in relation to trolley vehicles and the drivers of trolley vehicles as they apply in relation to heavy motor cars and the drivers of heavy motor cars.

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The Crown

70.—(1) Subject to paragraph (2), the provisions of this Order apply to vehicles and persons in the public service of the Crown.

(2) The Department may make regulations exempting from the provisions of this Order, or of any regulation or order made under this Order, vehicles and persons in the public service of the Crown.

Application of Order in relation to harbour commissioners

71.—(1) Except to the extent provided by this Article and Article 72 the provisions of this Order shall not have effect in relation to the Belfast Harbour Commissioners or other harbour commissioners having in relation to their harbour area powers similar to those of the Belfast Harbour Commissioners for restricting access to, and regulating motor traffic on, roads, and no road vested in, or under the control of, any such harbour commissioners shall be deemed for the purposes of this Order to be a road to which the public has access.

(2) A road vested in or under the control of the Belfast Harbour Commissioners or any such other harbour commissioners shall be deemed for the purposes of the following provisions of this Order to be a road to which this Order applies—

- (a) Article 43; and
- (b) Part VIII (except Articles 49 and 52).

(3) For the purpose of those provisions as applied by this Article to a road in the Belfast Harbour Estate a member of the Belfast Harbour Police shall have the same powers as a member of the Royal Ulster Constabulary has in relation to other roads.

Application of speed limits to Belfast Harbour Estate

72.—(1) Where the Belfast Harbour Commissioners resolve that any length of road within their jurisdiction under or by virtue of the Belfast Harbour Acts 1847 to 1950 should be a restricted road within the meaning of this Order, the Department may, subject to the provisions of this Article and to such conditions as may be specified in the order, make an order under Article 37(3) deeming that road to be such a restricted road and Articles 36 and 43 shall have effect accordingly in relation to that road.

(2) Where such an order is made, Article 41 shall apply to the Belfast Harbour Commissioners as it applies to the Department.

(3) Nothing in any such order shall prejudice or affect any power of the Belfast Harbour Commissioners under the Belfast Harbour Acts 1847 to 1950 to make and enforce bye-laws.

Transitional provisions

73.—(1) The Department may by order make such transitional provision as appears to it necessary or expedient for the purposes of this Order.

(2) Any bye-laws and regulations made under section 19(1) and (4) of the Road Traffic Act (Northern Ireland) 1970, and any provisions made by or under any local or private Act empowering the Department to regulate the waiting of any vehicle on any road, shall, if in force immediately before the commencement of this paragraph, have effect as if made under Article 4.

(3) Nothing in this Article or in any order made under it shall prejudice the operation of the Interpretation Act (Northern Ireland) 1954.

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Regulations and orders

74.—(1) The Department may make regulations prescribing anything which is to be prescribed and providing for any matter in regard to which regulations may be made under the provisions of this Order.

(2) Subject to paragraph (3), regulations under this Order and orders under Article 40(6) or 73 shall be subject to negative resolution.

(3) Regulations under Article 39 or regulations which contain any provision made under Article 30(2) shall be subject to affirmative resolution.

(4) Orders under Article 36(3)(b) or 44 shall be subject to affirmative resolution.

(5) In Schedule 3 to the Statutory Rules (Northern Ireland) Order 1979 (statutory rules exempted from requirement as to printing and sale), after paragraph 7 there shall be inserted the following paragraph—

“**7A.** Orders under Article 4, 10, 13, 15, 36(3)(a), 37, 38, 40(2), (3) or (7) or 66 of the Road Traffic Regulation (Northern Ireland) Order 1997”.

Art. 75—Amendments and repeals

Status:

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