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STATUTORY INSTRUMENTS

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**2005 No. 1964**

**The Traffic Management (Northern Ireland) Order 2005**

*Miscellaneous*

**Acquisition of land for purposes of functions of Department under this Order or 1997 Order**

**38.**—(1) In Article 110(1) of the [Roads \(Northern Ireland\) Order 1993 \(NI 15\)](#) (acquisition of land for purposes of functions of Department under that Order), after the words “this Order” there shall be inserted the words “the Road Traffic Regulation (Northern Ireland) Order 1997 or the Traffic Management (Northern Ireland) Order 2005.”

(2) In Article 118(1) of that Order (power to obtain information as to ownership of land), after the words “this Order” there shall be inserted the words “the Road Traffic Regulation (Northern Ireland) Order 1997 or the Traffic Management (Northern Ireland) Order 2005.”

**Parking charges**

**39.** The following provisions of the 1997 Order (provisions for different kinds of charges for the use of parking places) shall cease to have effect—

- (a) in Article 2(2), the definitions of “excess charge” and “initial charge”;
- (b) Article 13(3) and (4);
- (c) Article 14(3)(b);
- (d) Article 16(1); and
- (e) in Article 19—
  - (i) in paragraph (1)(a)(ii), the words “after the excess charge has been incurred”; and
  - (ii) paragraph (7).

**Disposal of abandoned vehicles under 1997 Order**

**40.**—(1) Article 52 of the 1997 Order (disposal of abandoned vehicles by Department) shall be amended as follows.

(2) In paragraph (1), after the words “13 or 15” there shall be added the words “or of Article 21 of the Traffic Management (Northern Ireland) Order 2005”.

(3) In paragraph (4)(b), for the words “such sums as may reasonably have been incurred in respect of the removal and storage of the vehicle” there shall be substituted the words “the relevant charges”.

(4) In paragraph (5), for the words “reasonable costs of the removal, storage and disposal of the vehicle” there shall be substituted “relevant charges”.

(5) After paragraph (6) there shall be added the following paragraph—

- “(7) In paragraphs (4) and (5) “relevant charges” means—
- (a) any penalty charge payable in respect of the vehicle;
  - (b) any sum recoverable from the owner of the vehicle;

- (c) the reasonable costs of the removal and storage of the vehicle; and
- (d) in paragraph (5) the reasonable costs of the disposal of the vehicle.”.

**Procedure for making traffic regulation orders, etc.**

- 41.**—(1) Schedule 1 to the 1997 Order (traffic regulation orders) shall be amended as follows.
- (2) In paragraph 3 (publication of notice before making traffic regulation order)—
- (a) in sub-paragraph (2)—
    - (i) in head (c), after the words “any road” there shall be inserted the words “or area”;
    - (ii) in head (d), the words “in that area” shall cease to have effect;
  - (b) in sub-paragraph (5)—
    - (i) the words “in respect of a road” shall cease to have effect;
    - (ii) for the words “area in which the road is situated” there shall be substituted the words “district where the order will apply”.
- (3) In paragraph 6(1)(b) (publication of notice after traffic regulation order is made), for the words “area in which any road to which the order relates is situated” there shall be substituted the words “district where the order applies”.
- (4) Schedule 2 which makes similar amendments of Schedules 2 to 6 to the 1997 Order shall have effect.

**Relationship between traffic regulation orders and earlier provisions**

- 42.**—(1) The power of the Department to make any provision under Article 4 of the 1997 Order (traffic regulation orders) includes, and shall be deemed always to have included, any power conferred by Article 21 or 22 of the 1981 Order (powers to control traffic).
- (2) Without prejudice to paragraph (1), a traffic regulation order may amend, revoke or reproduce with or without modifications any provision to which paragraph (4) applies.
- (3) Paragraph 1(1) of Schedule 1 to the 1997 Order (procedure for making traffic regulation orders) shall not require the Department to comply with paragraphs 2 and 3 of that Schedule (consultation and publication of notices) in respect of any provision of a traffic regulation order which revokes or reproduces with or without modifications any provision to which paragraph (4) applies.
- (4) This paragraph applies to any provision which was—
- (a) made under Article 21 or 22 of the 1981 Order, or
  - (b) had effect, immediately before the commencement of Article 4 of the 1997 Order, as if made under Article 21 or 22 of the 1981 Order.
- (5) Any reference in the 1997 Order to a traffic regulation order includes, and shall be deemed always to have included, any provision to which paragraph (4) applies.
- (6) In this Article—
- “1981 Order” means the [Road Traffic \(Northern Ireland\) Order 1981 \(NI 1\)](#);
  - “traffic regulation order” means an order under Article 4 of the 1997 Order.

**Power to make consequential amendments of traffic regulation orders, etc.**

- 43.** The Department may by order make such amendments or revocations as appear to it necessary or expedient in consequence of this Order—

- (a) of any provision made under Article 4, 10, 13 or 15 of the 1997 Order (traffic regulation orders and orders relating to parking places); or
- (b) of any provision to which Article 42(4) applies (provisions under earlier legislation).

### **False representations**

**44.** A person who makes a representation under this Order which is false in a material particular and does so recklessly or knowing it to be false shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

### **Service of documents**

**45.** For the purposes of this Order section 24 of the Interpretation Act (Northern Ireland) 1954 (c. 33) (service of documents) shall apply as if the word “registering” were omitted from subsection (1).

### **Regulations**

**46.—(1)** Subject to paragraph (2), regulations made under this Order shall be subject to negative resolution.

(2) Regulations made under this Order by the Lord Chancellor shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 (c. 36) shall apply accordingly.

### **Repeals**

**47.** The statutory provisions specified in Schedule 3 are hereby repealed to the extent specified in the second column of that Schedule.