
DRAFT STATUTORY INSTRUMENTS

2007 No.

The Road Traffic (Northern Ireland) Order 2007

PART VI

MISCELLANEOUS

Removal of requirement for Department of Finance and Personnel to approve certain matters relating to charging of fees by Department

79.—(1) The statutory provisions listed in paragraphs (2) and (3) (which require the Department of Finance and Personnel to approve certain matters relating to the charging of fees by the Department) shall cease to have effect.

(2) In the Transport Act (Northern Ireland) 1967 (c. 37)—

- (a) in section 9(1) (fees for road service licences) the words “, with the approval of the Ministry of Finance,”;
- (b) in section 16(2) (fees for operators' licences) the words “with the approval of the Ministry of Finance”;
- (c) in section 23(2) (fees for vehicle licences) the words “with the approval of the Ministry of Finance”;
- (d) in section 25, (fees for vehicle licences for farmers and milk hauliers) in subsections (2) and (4) the words “with the approval of the Ministry of Finance”.

(3) In the Order of 1981—

- (a) Article 19C(3) (fees under regulations);
- (b) in Article 66(1)(a) (fees for licences for public service vehicles) the words “, subject to the approval of the Department of Finance,”;
- (c) in Article 79A(2) (fees for taxi drivers' licences) the words “with the approval of the Department of Finance and Personnel”;
- (d) in Article 80 (repayment of fees) the words “, with the approval of the Department of Finance,”;
- (e) in Article 132(2)(a) (fees to be paid for registration as approved driving instructor) the words “, with the approval of the Department of Finance,”;
- (f) in Article 132(2)(d) (fees to be paid for application for examination as approved driving instructor) the words “with the approval of the Department of Finance”;
- (g) in Article 135(2)(a) (fees to be paid for approved driving instructor licence) the words “, with the approval of the Department of Finance,”.

Funding for automatic number plate recognition

80.—(1) The Secretary of State may make payments in respect of the whole or any part of the expenditure of a public authority in relation to—

- (a) the prevention or detection of offences to which paragraph (2) applies; or
- (b) any enforcement action or proceedings in respect of such offences or any alleged such offences.

(2) This paragraph applies to offences committed under the following provisions—

The Vehicle Excise and Registration Act 1994 (c. 22)

- section 33 (not exhibiting vehicle licence);
- section 42 (not fixing registration mark);
- section 43 (obscured registration mark);
- section 43C (using an incorrectly registered vehicle);
- section 59 (regulations: offences) in relation to the requirements imposed by regulation 11 of the Road Vehicles (Display of Registration Marks) Regulations 2001 (SI 2001/561);

The Road Traffic (Northern Ireland) Order 1981 (NI 1)

- Article 3(1) (drivers of motor vehicles to have driving licences);
- Article 90 (users of motor vehicles to be insured or secured against third-party risks);
- Article 177 (identification of drivers or owners of, and passengers in, vehicles);
- Article 180(1) (power of constable in uniform to stop vehicles);

The Road Traffic (Northern Ireland) Order 1995 (NI 18)

- Article 23 (requirements regarding seat belts: adults);
- Article 24(2) and (5) (restriction on carrying children not wearing seat belts in motor vehicles);
- Article 58 (motor vehicles and trailers: other construction and use requirements) in relation to the construction and use requirements imposed by the following regulations—
 - (a) The Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999 (SR 1999/454)
 - (b) The Road Vehicle Lighting Regulations (Northern Ireland) 2000 (SR 2000/169);
- Article 63 (obligatory test certificates for motor vehicles).

(3) Payments under this Article shall be made at such times, in such manner and subject to such conditions as the Secretary of State may determine.

(4) The Secretary of State may by order amend paragraph (2) by making additions to or deletions from the list of offences for the time being set out there.

(5) An order made under this Article 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.

(6) In paragraph (2) “construction and use requirements” has the meaning given by Article 53 of the Order of 1995.

(7) In this Article “public authority” means—

- (a) the Policing Board;
- (b) a Northern Ireland department;
- (c) any other body which exercises functions of a public nature.

Disclosure of information about insurance status of vehicles

81.—(1) The Department may by regulations make provision for and in connection with requiring MIIC to make available relevant vehicle insurance information to the Police Service of Northern Ireland for it to process with a view to making the processed information available for use by constables.

(2) “Relevant vehicle insurance information” means information relating to vehicles the use of which has been (but no longer is) insured under a policy of insurance, or security in respect of third party risks, complying with the requirements of Part VIII of the Order of 1981.

(3) The regulations may in particular—

- (a) require all relevant vehicle insurance information or any particular description of such information to be made available to the Police Service of Northern Ireland;
- (b) determine the purposes for which information processed from such information by the Police Service of Northern Ireland may be made available for use by constables; and
- (c) determine the circumstances in which any of the processed information which has been made available for use by constables may be further disclosed by them.

(4) Regulations made under this Article shall be subject to negative resolution.

(5) In this Article—

“information” means information held in any form;

“MIIC” means the Motor Insurers' Information Centre (a company limited by guarantee and incorporated under the Companies Act 1985 (c. 6) on 8th December 1998).

Departments' functions as to road safety

82.—(1) Article 52 of the Order of 1995 (powers of Department as to giving road safety information and training) is amended as follows—

- (a) in paragraph (3)(b), omit the words from “the construction, improvement, maintenance or repair of roads” to the end;
- (b) omit paragraph (3)(c);
- (c) after paragraph (3) insert—

“(4) The Department may give, or make arrangements for the giving of, training on road safety to road users, or any class or description of road users, on payment of a fee.

(5) The Department may by regulations, in respect of any fees that may be charged under paragraph (4)—

- (a) make provision for the payment of fees of such amounts as are prescribed by the regulations;
- (b) specify the maximum fees that a person may be required to pay;
- (c) specify the persons to whom such fees are payable;
- (d) provide for the times at which, and method by which, fees are payable.”.

(2) After that Article insert—

“Functions of Department for Regional Development as to road safety

52A.—(1) The Department for Regional Development (in this Article “the Department”) must prepare and carry out a programme of measures designed to improve road safety.

(2) The Department may, with the approval of the Department of Finance and Personnel, make contributions towards the cost of measures for promoting road safety which are taken by any authority, body or person.

(3) Without prejudice to the generality of paragraph (1), in pursuance of its duty under that paragraph, the Department—

- (a) must carry out studies into accidents arising out of the use of vehicles on roads or parts of roads;
- (b) must, in the light of those studies, take such measures as appear to the Department to be appropriate to prevent such accidents, including the construction, improvement, maintenance or repair of roads which are maintainable by the Department, and other measures taken in the exercise of the Department’s powers for controlling, protecting or assisting the movement of traffic on roads;
- (c) in constructing new roads, must take such measures as appear to the Department to be appropriate to reduce the possibilities of such accidents when the roads come into use.”.

Regulations prohibiting the grant of excise licences unless evidence of insurance or security

83. After Article 97 of the Order of 1981 (requirements as to production of certificate of insurance or of security) insert—

“ Regulations prohibiting the grant of excise licences unless evidence of insurance or security

97A. The Department may by regulations provide that where an application is made in Northern Ireland for a licence under the Vehicle Excise and Registration Act 1994 the licence shall not be granted unless the applicant produces such evidence as may be prescribed that either—

- (a) on the date when the licence comes into operation there will be in force the necessary policy of insurance or the necessary security in relation to the use of the vehicle by the applicant or by other persons on his order or with his permission; or
- (b) the vehicle is a vehicle to which Article 90 does not apply at a time when it is being driven by the owner or by a servant of the owner in the course of his employment, or is otherwise subject to the control of the owner.”.

Alteration of penalties

84. Any provision of this Order which alters any penalty for an offence has effect only in relation to offences committed after the coming into operation of the provision.

Power to make consequential provisions

85.—(1) The Department may by order subject to negative resolution make such amendments (including repeals and revocations) as may appear appropriate in consequence of any provision contained in this Order in any Northern Ireland legislation passed or made before the provision comes into operation.

(2) An order under paragraph (1) may include any appropriate transitional provisions or savings.

Amendments and repeals

86.—(1) Schedule 7 (which contains minor and consequential amendments) shall have effect.

- (2) The statutory provisions specified in Schedule 8 are repealed to the extent specified.