
STATUTORY INSTRUMENTS

1981 No. 154

Road Traffic (Northern Ireland) Order 1981

PART XIII

**GENERAL PROVISIONS AS TO OFFENCES,
ENFORCEMENT, EVIDENCE AND PROCEEDINGS**

Other offences

[^{F1}]^{F2}False statements in connection with forgery of, and fraudulent use of, documents; issue of false insurance certificate and powers of seizure

174.—(1) A person shall be guilty of an offence under this Order who—

- (a) in connection with an^{F3} application for—
 - (i) any licence under the Road Traffic Orders;
 - (ii) a goods vehicle test certificate under the Road Traffic Orders;
 - (iii) an international road haulage permit;
 - (iv) the entry or retention of a name in the register of driving instructors maintained under Part V of the Order of 2007;
 - (v) a document evidencing the successful completion of training provided in accordance with regulations under Article 64 of the Order of 2007;
 - (vi) any certificate under Article 65 of the Order of 2007,]knowingly makes a declaration which is false or is misleading in any material respect;
- (b) being required by any provision of^{F4} the Road Traffic Orders] or of any regulations made under^{F4} the Road Traffic Orders] to furnish particulars in connection with any such application as aforesaid or otherwise in connection with any vehicle, knowingly furnishes particulars which are false or are misleading in any material respect;
- (c) for the purpose of obtaining the issue of a certificate of insurance or a certificate of security under Article 92 or 93, knowingly makes a statement which is false, or withholds any material information;
- (d) issues a certificate of insurance or certificate of security under Article 92 or 93 which he knows to be false in any material particular.
 - [knowingly produces false evidence for the purposes of regulations under Article 72 of the
- ^{F5}(e) Order of 1995 or knowingly makes a false statement in a declaration required to be made by those regulations;
- (f) intentionally makes a false entry in any record required to be made or kept by regulations under Article 82 of the Order of 1995, or with intent to deceive, makes use of any such entry which he knows to be false.]

^{F6}(2) A person who, with intent to deceive—

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- (a) forges, alters or uses a document or other thing listed in paragraph (2A); or
- (b) lends to, or allows to be used by, any other person a document or other thing listed in paragraph (2A); or
- (c) makes or has in his possession any document or other thing so closely resembling a document or other thing listed in paragraph (2A) as to be calculated to deceive,

is guilty of an offence.

(2A) The documents or other things referred to in paragraph (2) are—

- (a) any licence under the Road Traffic Orders or, in the case of a licence to drive, any counterpart of such a licence;
- (b) any counterpart of a Great Britain licence or Community licence;
- (c) any international road haulage permit;
- (d) any document which, in pursuance of Article 5(3) of this Order, is issued as evidence of the result of a test of competence to drive;
- (e) any certificate provided for by regulations under Article 13(3A) of this Order relating to the completion of a training course for motor cyclists;
- (f) any certificate of conformity or Department's approval certificate within the meaning of Part IV of this Order;
- (g) any certificate of insurance or certificate of security under Article 92 or 93 of this Order;
- (h) any certificate required as a condition of any exception prescribed under Article 23 of the Order of 1995;
- (i) any test certificate, goods vehicle test certificate, plating certificate or certificate of temporary exemption within the meaning of Part III of the Order of 1995;
- (j) any seal required by regulations made under Article 55 of the Order of 1995 with respect to speed limiters;
- (k) any plate containing particulars required to be marked on a vehicle by regulations made under Article 55 of the Order of 1995;
- (l) any certificate evidencing the examination of a motor vehicle modified to be propelled using fuel stored under pressure under regulations made under Article 55 of the Order of 1995
- (m) any document evidencing the appointment of an examiner under Article 74 of the Order of 1995;
- (n) any notice removing a prohibition under Article 77 (power to prohibit driving of unfit vehicles) or Article 79 (power to prohibit driving of overloaded vehicles) of the Order of 1995;
- (o) any records required to be kept by virtue of Article 82 of the Order of 1995;
- (p) a certificate of the kind referred to in Article 32B(1) (reduced penalty points for attendance on course) or Article 37(1) (reduced disqualification period for attendance on course) of the Offenders Order;
- (q) any document produced as evidence of the passing of an appropriate driving test within the meaning of Article 41 of the Offenders Order;
- (r) any document evidencing the passing of an examination (or part of an examination) required by regulations under Article 62 or the successful completion of training provided in accordance with regulations under Article 64 of the Order of 2007;
- (s) any certificate under Article 65 of the Order of 2007;
- (t) any certificate or other item prescribed under Article 70(1)(a) of the Order of 2007;

- (u) any document produced as evidence of insurance in pursuance of Regulation 6 of the European Communities (Motor Vehicles: Compulsory Insurance) (Northern Ireland) Regulations 1973.

(2B) In paragraph (2A), “Community licence”, “counterpart” and “Great Britain licence” have the same meanings as in Part II.]

(3) ^{F7} If—

- (a) a constable or examiner appointed under Article 74 of the Order of 1995 has reasonable cause to believe that a document or other thing produced to him under this Order by the driver of a motor vehicle;
- (b) a constable or examiner appointed under Article 74 of the Order of 1995 has reasonable cause to believe that any plate containing particulars required to be marked on a vehicle by regulations made under Article 55 of the Order of 1995;
- (c) a constable or any person authorised in writing by the Department under Article 72 of the Order of 2007 has reasonable cause to believe that a certificate or other item produced to him under Article 72 of that Order by the driver of a motor vehicle,

is a document or other thing] in relation to which an offence has been committed under this Article, he may seize the document ^{F8} or other thing]; when the document ^{F8} or other thing] is seized under this Article the person from whom it was taken shall, unless the document ^{F8} or other thing] has been previously returned to him or he has been previously charged with an offence under this Article, be summoned before a magistrates' court to account for his possession of the document ^{F8} or other thing], and the court shall make such order respecting the disposal of the document ^{F8} or other thing] and award such costs as the justice of the case may require.

[
^{F9}(3A) For the purposes of paragraph (3) the power to seize includes a power to detach from a vehicle.]

(4) Where in any proceedings under this Article any question arises as to the number of vehicles used, or as to the character, weight or horsepower of any vehicle, or as to the number of persons seated by a vehicle, or as to the purpose for which any vehicle has been used, the burden of proof in respect of the matter in question shall lie on the accused person.

(5) In this Article “certificate of insurance” and “certificate of security” include any document issued under regulations made by the Department under Article 103 which prescribe the evidence which may be produced in lieu of a certificate of insurance or a certificate of security.

[
^{F10}(5A) In this Article “international road haulage permit” means—

- (a) a licence, permit, authorisation or other document issued in pursuance of an EU instrument relating to the carriage of goods by road between member States or an international agreement to which the United Kingdom is a party and which relates to the international carriage of goods by road, or
- (b) an international road transport permit, within the meaning given by section 1(2) of the Haulage Permits and Trailer Registration Act 2018.]

(6) ^{F11}]]

F1	1981 NI 26
F2	2004 NI 15
F3	Words in art. 174(1)(a) substituted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 29(2); S.R. 2007/454, art. 2, Sch.
F4	1995 NI 18

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- F5** Art. 174(1)(e)(f) inserted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), **29(3)**; S.R. 2007/454, **art. 2**, Sch.
- F6** Art. 174(2)(2A)(2B) substituted (15.11.2007) for art. 174(2) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), **29(4)**; S.R. 2007/454, **art. 2**, Sch.
- F7** Words in art. 174(3) substituted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), **29(5)(a)**; S.R. 2007/454, **art. 2**, Sch.
- F8** Words in art. 174(3) inserted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), **29(5)(b)**; S.R. 2007/454, **art. 2**, Sch.
- F9** Art. 174(3A) inserted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), **29(6)**; S.R. 2007/454, **art. 2**, Sch.
- F10** Art. 174(5A) inserted (19.7.2018) by Haulage Permits and Trailer Registration Act 2018 (c. 19), s. 27(1), **Sch. para. 2**
- F11** Art. 174(6) repealed (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 86(2), **Sch. 8 Pt. I**; S.R. 2007/454, **art. 2**, Sch.

Changes to legislation:

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View outstanding changes

Changes and effects yet to be applied to :

- Instrument amended by [1994 c. 22 s. 63 Sch.3 para 17](#)
- Instrument rev. in Pt. by [1994 c. 22 s. 65 Sch.5 Pt II](#)
- art. 174(2A)(a) words repealed by [S.I. 2007/916 \(N.I.\) Sch. 5 para. 21\(a\)\(i\)Sch. 8 Pt. 5](#)
- art. 174(2A)(b) repealed by [S.I. 2007/916 \(N.I.\) Sch. 5 para. 21\(a\)\(ii\)Sch. 8 Pt. 5](#)
- art. 174(2A)(e) word substituted by [2016 c. 11 \(N.I.\) s. 17\(5\)\(a\)\(ii\)](#)
- art. 174(2B) repealed by [S.I. 2007/916 \(N.I.\) Sch. 5 para. 21\(b\)Sch. 8 Pt. 5](#)
- art. 174(6) repealed by [S.I. 2007/916 \(N.I.\) Sch. 8 Pt. 2](#) (Amendment not carried through. Already repealed by [2007 SI916 \(N.I.\) Sch. 8 Pt. 1](#))

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

- Order Blanket amendment by [2009 c. 1 \(N.I.\) Sch. 6 para. 1\(1\)\(b\)](#)

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch. 1 Pt. 1 words inserted by [2016 c. 11 \(N.I.\) s. 18\(2\)](#)
- Sch. 7 para. 6 repealed by [2010 c. 2 \(N.I.\) Sch. 4](#) (The amendment could not be applied as the relevant affected text is not available on [legislation.gov.](#))
- Sch. 7 para. 7 repealed by [2010 c. 2 \(N.I.\) Sch. 4](#) (The amendment could not be applied as the relevant affected text is not available on [legislation.gov.](#))
- art. 5(2ZA)-(2ZD) inserted by [2016 c. 11 \(N.I.\) s. 16\(2\)\(a\)](#)
- art. 5(4A) inserted by [2016 c. 11 \(N.I.\) s. 16\(2\)\(b\)](#)
- art. 5A inserted by [2016 c. 11 \(N.I.\) s. 17\(2\)](#)
- art. 13(1)(c)(ia) words repealed by [S.I. 2007/916 \(N.I.\) Sch. 5 para. 4\(a\)\(ii\)Sch. 8 Pt. 5](#)
- art. 13B-13C inserted by [2016 c. 11 \(N.I.\) s. 17\(3\)](#)
- art. 15ZA inserted by [2016 c. 11 \(N.I.\) s. 18\(1\)\(c\)](#)
- art. 19D(1ZA)(1ZB) inserted by [2016 c. 11 \(N.I.\) s. 17\(4\)\(b\)](#)
- art. 19AB19AC substituted for art. 19A 19B by [2016 c. 11 \(N.I.\) s. 19\(3\)](#)
- art. 31A(2A)-(2D) inserted (temp.) by [S.I. 2019/648 reg. 5\(2\)\(a\)](#) (This amendment not applied to [legislation.gov.uk](#). Reg. 5 omitted immediately before IP completion day by virtue of [S.I. 2020/1393](#), regs. 1(2), 2(4))
- art. 31A(2C) words inserted in earlier amending provision [S.I. 2019/648](#), reg. 5(2)(a) by [S.I. 2020/818 Sch. 6 para. 39\(4\)\(a\)](#) (This amendment not applied to [legislation.gov.uk](#). [S.I. 2019/648](#), reg 5, which inserts art. 31A(2C) omitted (31.12.2020 immediately before IP completion day) by virtue of [S.I. 2020/1393](#), regs. 1(2), 2(4))
- art. 31A(3A)(3B) inserted (temp.) by [S.I. 2019/648 reg. 5\(2\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). Reg. 5 omitted immediately before IP completion day by virtue of [S.I. 2020/1393](#), regs. 1(2), 2(4))
- art. 31A(3B) words inserted in earlier amending provision [S.I. 2019/648](#), reg. 5(2)(b) by [S.I. 2020/818 Sch. 6 para. 39\(4\)\(b\)\(i\)](#) (This amendment not applied to [legislation.gov.uk](#). [S.I. 2019/648](#), reg 5, which inserts art. 31A(3B) omitted (31.12.2020 immediately before IP completion day) by virtue of [S.I. 2020/1393](#), regs. 1(2), 2(4))
- art. 31A(3B) words inserted in earlier amending provision [S.I. 2019/648](#), reg. 5(2)(b) by [S.I. 2020/818 Sch. 6 para. 39\(4\)\(b\)\(ii\)](#) (This amendment not applied

to legislation.gov.uk. S.I. 2019/648, reg 5, which inserts art. 31A(3B) omitted (31.12.2020 immediately before IP completion day) by virtue of S.I. 2020/1393, regs. 1(2), 2(4))

- art. 174(2A)(da) inserted by 2016 c. 11 (N.I.) s. 17(5)(a)(i)
- art. 174(2AB) inserted by 2016 c. 11 (N.I.) s. 17(5)(b)
- art. 177(1)(ba) inserted by 2016 c. 11 (N.I.) s. 19(4)(b)
- art. 177(1A) inserted by 2016 c. 11 (N.I.) s. 19(4)(c)
- art. 177(3)(4) inserted by 2016 c. 11 (N.I.) s. 19(4)(b)
- art. 198 am. (prosp.) by 1997 c. 16 s.18Sch.3 paras.8(2)9
- art. 198 am. (prosp.) by 1997 c. 16 s.18 Sch.3 paras.8(2)9