
STATUTORY INSTRUMENTS

1995 No. 2994

The Road Traffic (Northern Ireland) Order 1995

PART II

Principal Road Safety Provisions

Danger to road-users

Causing danger to road-users

33.—(1) A person is guilty of an offence if he intentionally and without lawful authority or reasonable cause—

- (a) causes anything to be on or over a road; or
- (b) interferes with a motor vehicle, trailer or cycle; or
- (c) interferes (directly or indirectly) with traffic equipment,

in such circumstances that it would be obvious to a reasonable person that to do so would be dangerous.

(2) In paragraph (1) “dangerous” refers to danger either of injury to any person while on or near a road, or of serious damage to property on or near a road; and in determining for the purposes of that paragraph that would be obvious to a reasonable person in a particular case, regard shall be had not only to the circumstances of which he could be expected to be aware but also to any circumstances shown to have been within the knowledge of the accused.

(3) In paragraph (1) “traffic equipment” means—

- (a) anything lawfully placed on or near a road by, or on behalf of, the Department;
- (b) a traffic sign lawfully placed on or near a road by a person other than the Department;
- (c) any fence, barrier or light lawfully placed on or near a road—
 - (i) by a person other than the Department in connection with the execution of works of any description on or in a road; or
 - (ii) by a constable or a person acting under the instructions or directions (whether general or specific) of the Chief Constable.

(4) For the purposes of paragraph (3) anything placed on or near a road shall unless the contrary is proved be deemed to have been lawfully placed there.

(5) In this Article “road” does not include a footpath, public path or other public right of way.