
STATUTORY INSTRUMENTS

1995 No. 2994

The Road Traffic (Northern Ireland) Order 1995

Part III

Construction and Use of Vehicles and Equipment

Prohibition of unfit vehicles

Power to prohibit driving of overloaded vehicles

79.—(1) Paragraphs (2) and (3) apply where a goods vehicle or a motor vehicle adapted to carry more than 8 passengers has been weighed in pursuance of a requirement imposed under Article 86 and it appears to—

- (a) a vehicle examiner, or
- (b) a constable authorised to act for the purposes of this paragraph by or on behalf of the Chief Constable,

that the limit imposed by construction and use requirements with respect to any description of weight which is applicable to that vehicle has been exceeded or would be exceeded if it were used on a road or other public place or that by reason of excessive overall weight or excessive axle weight on any axle driving the vehicle would involve a danger of injury to any person.

(2) The person to whom it so appears may, whether or not a notice is given under Article 77(6), give notice in writing to the person in charge of the vehicle prohibiting the driving of the vehicle on a road or other public place until—

- (a) that weight is reduced to that limit or, as the case may be, so that it is no longer excessive, and
- (b) official notification has been given to whoever is for the time being in charge of the vehicle that it is permitted to proceed.

(3) The person to whom it so appears may also by direction in writing require the person in charge of the vehicle to remove it (and, if it is a motor vehicle drawing a trailer, also to remove the trailer) to such place and subject to such conditions as are specified in the direction; and the prohibition shall not apply to the removal of the vehicle or trailer in accordance with that direction.

(4) Official notification for the purposes of paragraph (2)—

- (a) must be in writing and be given by a vehicle examiner or a constable authorised as mentioned in paragraph (1), and
- (b) may be withheld until the vehicle has been weighed or reweighed in order to satisfy the person giving the notification that the weight has been sufficiently reduced.

(5) Nothing in this Article shall be construed as limiting the power of the Department to make regulations under Article 80(2).