
Status: Point in time view as at 01/01/2006.

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STATUTORY INSTRUMENTS

1995 No. 2994

The Road Traffic (Northern Ireland) Order 1995

PART I INTRODUCTORY

Title and commencement

- 1.—(1) This Order may be cited as the Road Traffic (Northern Ireland) Order 1995.
- (2) This Order, except Article 92, shall come into operation on the expiration of 2 months from the day on which it is made.
- (3) Article 92 shall come into operation on such day as the Head of the Department may by order appoint^{F1}.
- (4) This Order shall be construed as one with the Road Traffic (Northern Ireland) Order 1981.

F1 exercised by SR 1997/253

General interpretation

- 2.—(1) The Interpretation Act (Northern Ireland) 1954^{F2} shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.
- (2) In this Order—
 - “carriage of goods” includes the haulage of goods;
 - “carriageway” means a way constituted or comprised in a road being a way over which the public have a right of way for the passage of vehicles;
 - “constable” does not include a member of the Naval, Military or Royal Air Force Police;
 - “cycle” means a bicycle, a tricycle, or a cycle having 4 or more wheels, not being in any case a motor vehicle;
 - “the Department” means the Department of the Environment;
 - “driver”, where a separate person acts as a steersman of a motor vehicle, includes that person as well as any other person engaged in the driving of the vehicle;
 - “enactment” includes any order, regulation, rule, bye-law or other instrument made under a statutory provision;
 - “footpath” means a way over which the public have a right of way on foot only, not being a footway or a part of a road;
 - “footway” means a way comprised in a road which also comprises a carriageway, being a way over which the public have a right of way on foot only;
 - “goods” includes goods or burden of any description;

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“goods vehicle” means a motor vehicle constructed or adapted for use for the carriage of goods, or a trailer so constructed or adapted;

“international road haulage permit” means a licence, permit, authorisation or other document issued in pursuance of a Community 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;

[^{F3}“the Offenders Order” means the Road Traffic Offenders (Northern Ireland) Order 1996]

“the Order of 1981” means the Road Traffic (Northern Ireland) Order 1981^{F4};

“owner”, in relation to a vehicle which is the subject of a hiring or hire-purchase agreement, means the person in possession of the vehicle under that agreement;

“prescribed” means prescribed by regulations;

“public path” and “public right of way” have the same meaning as in the Access to the Countryside (Northern Ireland) Order 1983^{F5};

“public road” includes any part of a public road and any bridge or tunnel over or through which a public road passes;

“road” includes a public road and any street, carriageway, highway or roadway to which the public has access;

“the Road Traffic Orders” means this Order^{F6} the Order of 1981 and the Road Traffic Regulation (Northern Ireland) Order 1997];

“statutory provision” has the meaning assigned to it by section 1(f) of the Interpretation Act (Northern Ireland) 1954^{F7};

“traffic” includes the passage of animals on a road;

“traffic sign”^{F6} has the meaning assigned to it by Article 28 of the Road Traffic Regulation (Northern Ireland) Order 1997]

“trolley vehicle” means a mechanically propelled vehicle adapted for use without rails under power transmitted to the vehicle from some external source (whether or not there is in addition a source of power on board the vehicle).

(3) References in this Order to a class of vehicles are to be interpreted as references to a class defined or described by reference to any characteristics of the vehicles or to any other circumstances whatsoever, and accordingly as authorising the use of “category” to indicate a class of vehicles, however defined or described.

F2 1954 c.33 (NI)

F3 1996 NI 10

F4 1981 NI 1

F5 1983 NI 18

F6 1997 NI 2

F7 1954 c.33 (NI)

Meaning of “motor vehicle” and other expressions relating to vehicles

3.—(1) In this Order—

“heavy locomotive” means a mechanically propelled vehicle which is not constructed itself to carry a load other than any of the expected articles and the weight of which unladen exceeds 11690 kilograms;

“heavy motor car” means a mechanically propelled vehicle, not being a motor car, which is constructed itself to carry a load or passengers and the weight of which unladen exceeds 2540 kilograms;

“invalid carriage” means a mechanically propelled vehicle the weight of which unladen does not exceed 254 kilograms and which is specially designed and constructed, and not merely adapted, for the use of a person suffering from some physical defect or disability and is used solely by such a person;

“light locomotive” means a mechanically propelled vehicle which is not constructed itself to carry a load other than any of the excepted articles and the weight of which unladen does not exceed 11690 kilograms but does exceed 7370 kilograms;

“motor car” means a mechanically propelled vehicle, not being a motor cycle or an invalid carriage, which is constructed itself to carry a load or passengers and the weight of which unladen—

- (a) if it is constructed solely for the carriage of passengers and their effects, is adapted to carry not more than seven passengers exclusive of the driver and is fitted with tyres of such type as may be specified in regulations made by the Department, does not exceed 3050 kilograms;
- (b) if it is constructed or adapted for use for the conveyance of goods or burden of any description, does not exceed 3050 kilograms or 3500 kilograms if the vehicle carries a container or containers for holding for the purposes of its propulsion any fuel which is wholly gaseous at 17.5 degrees Celsius under a pressure of 1.013 bar or plant and materials for producing such fuel;
- (c) does not exceed 2540 kilograms in a case not falling within sub-paragraph (a) or (b);

“motor cycle” means a mechanically propelled vehicle, not being an invalid carriage, with less than 4 wheels and the weight of which unladen does not exceed 410 kilograms;

“motor tractor” means a mechanically propelled vehicle which is not constructed itself to carry a load, other than the excepted articles, and the weight of which unladen does not exceed 7370 kilograms;

“motor vehicle” means, subject to Article 6, a mechanically propelled vehicle (not being a tramcar or other vehicle running on permanent rails, or a trolley vehicle) which is intended or adapted for use on roads;

“trailer” means a vehicle drawn by a motor vehicle;

“vehicle” includes a cycle and a trailer.

(2) In paragraph (1) “excepted articles” means any of the following: water, fuel, accumulators and other equipment used for the purpose of the supply of power for the propulsion of the vehicle, loose tools and loose equipment.

Supplementary provisions about those expressions

4.—(1) For the purposes of Article 3, a side car attached to a motor vehicle, if it complies with such conditions as may be specified in regulations made by the Department, is to be regarded as forming part of the vehicle to which it is attached and as not being a trailer.

(2) For the purposes of Article 3, in a case where a motor vehicle is so constructed that a trailer may by partial super-imposition be attached to the vehicle in such a manner as to cause a substantial part of the weight of the trailer to be borne by the vehicle, that vehicle is to be deemed to be a vehicle itself constructed to carry a load.

(3) For the purposes of Article 3, in the case of a motor vehicle fitted with a crane, dynamo, welding plant or other special appliance or apparatus which is permanent or essentially permanent

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fixture, the appliance or apparatus is not to be deemed to constitute a load or goods or burden of any description, but is to be deemed to form part of the vehicle.

(4) The Department may by regulations vary any of the maximum or minimum weights specified in Article 3.

(5) Regulations under paragraph (4) may have effect—

- (a) either generally or in the case of vehicles of any class specified in the regulations; and
- (b) either for the purposes of the provisions of the Road Traffic Orders^{F8} and of the Offenders Order] and of all regulations made under those provisions or for such of those purposes as may be so specified.

F8 1996 NI 10

Articulated vehicles

5.—(1) Unless it falls within paragraph (2), a vehicle so constructed that it can be divided into 2 parts both of which are vehicles and one of which is a motor vehicle shall (when not so divided) be treated for the purposes of the enactments mentioned in paragraph (3) as that motor vehicle with the other part attached as a trailer.

(2) A passenger vehicle so constructed that—

- (a) it can be divided into 2 parts, both of which are vehicles and one of which is a motor vehicle, but cannot be so divided without the use of facilities normally available only at a workshop, and
- (b) passengers carried by it when not so divided can at all times pass from either part to the other,

shall (when not so divided) be treated for the purposes of the enactments mentioned in paragraph (3) as a single motor vehicle.

(3) The enactments referred to in paragraph (1) and (2) are the Road Traffic Orders^{F9}, the Offenders Order] and Part II of the Transport Act (Northern Ireland) 1967^{F10}.

(4) In this Article “passenger vehicle” means a vehicle constructed or adapted for use solely or principally for the carriage of passengers.

F9 1996 NI 10

F10 1967 c. 37 (NI)

Certain vehicles not to be treated as motor vehicles

6.—(1) For the purposes of the Road Traffic Orders^{F11} or the Offenders Order]

- (a) a mechanically propelled vehicle being an implement for cutting grass which is controlled by a pedestrian and is not capable of being used or adapted for any other purpose;
- (b) any other mechanically propelled vehicle controlled by a pedestrian which may be prescribed for the purposes of this Article; and
- (c) an electrically assisted pedal cycle of such a class as may be so prescribed,

is to be treated as not being a motor vehicle.

(2) In paragraph (1) “controlled by a pedestrian” means that the vehicle either—

- (a) is constructed or adapted for use only under such control; or

- (b) is constructed or adapted for use either under such control or under the control of a person carried on it, but is not for the time being in use under, or proceeding under, the control of a person carried on it.

F11 1996 NI 10

Method of calculating weight of motor vehicles and trailers

7.—(1) This Article applies for the purposes of the Road Traffic Orders^{F12} and of the Offenders Order] and of any other enactments relating to the use of motor vehicles or trailers on roads.

(2) The weight unladen of a vehicle or trailer shall be taken to be the weight of the vehicle or trailer—

- (a) inclusive of the body and all parts (the heavier being taken where alternative bodies or parts are used) which are necessary to or ordinarily used with the vehicle or trailer when working on a road, but
- (b) exclusive of the weight of water, fuel or accumulators used for the purpose of the supply of power for the propulsion of the vehicle or, as the case may be, of any vehicle by which the trailer is drawn, and of loose tools and loose equipment.

F12 1996 NI 10

Interpretation of statutory references to carriages

8. A motor vehicle or trailer—

- (a) is to be deemed to be a carriage within the meaning of any enactment, and
- (b) if used as a carriage of any particular class shall for the purpose of any enactment relating to carriages of any particular class be deemed to be a carriage of that class.

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