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STATUTORY INSTRUMENTS

1995 No. 2994

The Road Traffic (Northern Ireland) Order 1995

Part III

Construction and Use of Vehicles and Equipment

General regulation of construction, use, etc.

Regulation of construction, weight, equipment and use of vehicles

55.—(1) The Department may make regulations generally as to the use of motor vehicles and trailers on roads, their construction and equipment and the conditions under which they may be so used.

Paragraphs (2) to (4) do not affect the generality of this paragraph.

(2) In particular, the regulations may make provision with respect to any of the following matters—

- (a) the width, height and length of motor vehicles and trailers and the load carried by them, the diameter of wheels, and the width, nature and condition of tyres, of motor vehicles and trailers;
- (b) the emission or consumption of smoke, fumes or vapour and the emission of sparks, ashes and grit;
- [^{F1}(ba) the modification of motor vehicles to enable them to be propelled using fuel stored under pressure;]
- (c) noise
- (d) the maximum weight unladen of heavy locomotives and heavy motor cars, and the maximum weight laden of motor vehicles and trailers, and the maximum weight to be transmitted to the road or any specified area of the road by a motor vehicle or trailer of any class or by any part of or parts of such a vehicle or trailer in contact with the road, and the conditions under which the weights may be required to be tested;
- (e) the particulars to be marked on motor vehicles and trailers (by means of the fixing of plates or otherwise) and the circumstances in which they are to be marked;
- (f) the towing of or drawing of vehicles by motor vehicles;
- (g) the number and nature of brakes, and for securing that brakes, silencers and steering gear are efficient and kept in proper working order;
- (h) lighting equipment and reflectors;
- (i) the testing and inspection, by persons authorised by or under the regulations, of the brakes, silencers, steering gear, tyres, lighting equipment and reflectors of motor vehicles and trailers on any premises where they are (if the owner of the premises consents);
- (j) speed limiters;
- (k) the appliances to be fitted for—

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- (i) signalling the approach of a motor vehicle, or
 - (ii) enabling the driver of a motor vehicle to become aware of the approach of another vehicle from the rear, or
 - (iii) intimating any intended change of speed or direction of a motor vehicle, and the use of any such appliance, and for securing that any such appliance is efficient and kept in proper working order;
 - (l) for prohibiting the use of appliances fitted to motor vehicles for signalling their approach, being appliances for signalling by sound, at any times, or on or in any roads or localities, specified in the regulations.
- [^{F2}(2A) Regulations under this Article with respect to the modification of motor vehicles to enable them to be propelled using fuel stored under pressure may include provision—
- (a) as to the examination, by persons authorised in accordance with regulations, of motor vehicles that have been so modified, the issuing of certificates by them in respect of such vehicles and the making of charges by them;
 - (b) requiring authorised persons to notify the Department of any such examinations carried out by them;
 - (c) as to appeals against any decision by an authorised person not to issue a certificate;
 - (d) as to applications to the Department for authorisation and charges in connection with them;
 - (e) imposing or providing for the imposition of conditions to be complied with by authorised persons;
 - (f) as to the withdrawal of authorisations.]
- (3) The Department may, as respects goods vehicles, make regulations under this Article—
- (a) prescribing other descriptions of weight which are not to be exceeded in the case of such vehicles;
 - (b) providing that weights of any description or other particulars which are to be marked on particular goods vehicles may be determined in accordance with regulations under Article 65.
- (4) Regulations under this Article with respect to lighting equipment and reflectors
- (a) may require that lamps be kept lit at such times and in such circumstances as may be specified in the regulations; and
 - (b) may extend, in like manner as to motor vehicles and trailers, to vehicles of any description used on roads, whether or not they are mechanically propelled.
- (5) Regulations under this Article with respect to speed limiters may include provision—
- (a) as to the checking and sealing of speed limiters by persons authorised in accordance with the regulations and the making of charges by them;
 - (b) imposing or providing for the imposition of conditions to be complied with by authorised persons;
 - (c) as to the withdrawal of authorisations.
- (6) Different regulations may be made under this Article as respects different classes of vehicles or as respects the same class of vehicles in different circumstances and as respects different times of the day or night and as respects roads in different localities.

F1 Art. 55(2)(ba) inserted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 42(1)(a); S.R. 2007/454, art. 2, Sch.

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F2 Art. 55(2A) inserted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), **42(1)(b)**; S.R. 2007/454, **art. 2**, Sch.

Breach of requirement as to brakes, steering-gear or tyres

56. A person who—

- (a) contravenes a construction and use requirement as to brakes, steering-gear or tyres; or
- (b) uses on a road a motor vehicle or trailer which does not comply with such a requirement, or causes or permits a motor vehicle or trailer to be so used,

is guilty of an offence.

[^{F3}Breach of requirements as to control of vehicle, mobile telephones etc.

56A. A person who contravenes a construction and use requirement—

- (a) as to not driving a motor vehicle in a position which does not give proper control or a full view of the road and traffic ahead, or not causing or permitting the driving of a motor vehicle by another person in such a position, or
- (b) as to not driving or supervising the driving of a motor vehicle while using a hand-held mobile telephone or other hand-held interactive communication device, or not causing or permitting the driving of a motor vehicle by another person using such a telephone or other device,

is guilty of an offence.]

F3 Art. 56A inserted (27.6.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), **6(1)**; S.R. 2007/302, **art. 2**, Sch.

Breach of requirement as to weight: goods and passenger vehicles

57.—(1) A person who—

- (a) contravenes a construction and use requirement as to any description of weight applicable to—
 - (i) a goods vehicle; or
 - (ii) a motor vehicle or trailer adapted to carry more than eight passengers; or
- (b) uses on a road a vehicle which does not comply with such a requirement, or causes or permits a vehicle to be so used,

is guilty of an offence.

(2) In any proceedings for an offence under this Article in which there is alleged a contravention of a construction and use requirement as to any description of weight applicable to a goods vehicle, it shall be a defence to prove either—

- (a) that at the time when the vehicle was being used on the road
 - (i) it was proceeding to a weighbridge which was the nearest available one to the place where the loading of the vehicle was completed for the purpose of being weighed, or
 - (ii) it was proceeding from a weighbridge after being weighed to the nearest point at which it was reasonably practicable to reduce the weight to the relevant limit, without causing an obstruction on any road, or
- (b) in a case where the limit of that weight was not exceeded by more than 5 per cent.—

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- (i) that that limit was not exceeded at the time when the loading of the vehicle was originally completed, and
- (ii) that since that time no person has made any addition to the load.

PROSPECTIVE

[^{F4}Breach of requirement as to speed assessment equipment detection devices

57A. A person who—

- (a) contravenes or fails to comply with a construction or use requirement as to speed assessment equipment detection devices, or
- (b) uses on a road a motor vehicle or trailer which does not comply with such a requirement, or causes or permits a motor vehicle or trailer to be so used

is guilty of an offence.]

F4 Art. 57A inserted (prosp.) by [Criminal Justice \(Northern Ireland\) Order 2008 \(S.I. 2008/1216 \(N.I. 1\)\)](#), arts. 1(4), **54(2)**

Breach of other construction and use requirements

58. A person who—

- (a) contravenes any construction or use requirement other than one within Article 56(a) [^{F5}, 56A] or 57(1)(a); or
- (b) uses on a road a motor vehicle or trailer which does not comply with such a requirement, or causes or permits a motor vehicle or trailer to be so used,

is guilty of an offence.

F5 Words in art. 58(a) inserted (27.6.2007) by [Road Traffic \(Northern Ireland\) Order 2007 \(S.I. 2007/916 \(N.I. 10\)\)](#), arts. 1(3), **6(2)**; S.R. 2007/302, **art. 2**, Sch.

Temporary exemption from application of regulations under Article 55

59.—(1) Subject to paragraphs (2) to (4), where any regulations under Article 55 contain provisions varying the requirements as regards the construction or weight of any class of vehicles, provision shall be made by the regulations for exempting from those provisions for such period, not being less than 5 years, as may be specified in the regulations any vehicle of that class registered under the Vehicle Excise and Registration Act 1994^{F6} before the expiration of one year from the making of the regulations.

(2) No such provision contained in regulations under Article 55 as imposes or varies requirements with respect to the braking systems with which motor vehicles must be equipped shall be taken, for the purposes of paragraph (1) or of any other provision of the regulations, to be one relating to the construction of vehicles.

(3) Where regulations under Article 55 contain provisions varying the requirements as regards the construction or weight of any class of vehicle, and the Department is satisfied—

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- (a) that it is requisite that those provisions shall apply at a date specified in the regulations to vehicles registered before the expiration of one year from the making of the regulations, or to such of them as are specified in the regulations; and
- (b) that no undue hardship or inconvenience will be caused by their application then to those vehicles,

then, if the regulations state that the Department is so satisfied, paragraph (1) shall not apply in relation to those provisions.

- (4) Paragraph (1) shall not apply in relation to—
 - (a) regulations made with respect to any description of weight of goods vehicles, other than their maximum unladen weight; or
 - (b) regulations made by virtue of Article 55(3).

F6 1994 c. 22

Authorisation of use on roads of special vehicles not complying with regulations under Article 55

60.—(1) The Department may by order authorise, subject to such restrictions and conditions as may be specified by or under the order, the use on roads

- (a) of special motor vehicles or trailers, or special types of motor vehicles or trailers, which are constructed either for special purposes or for tests or trials;
- (b) of vehicles or trailers, or types of vehicles or trailers, constructed for use outside the United Kingdom;
- (c) of new or improved types of motor vehicles or trailers, whether wheeled or wheelless, or of motor vehicles or trailers equipped with new or improved equipment or types of equipment;
- (d) of vehicles or trailers carrying loads of exceptional dimensions,

and Articles 54 to 58 shall not apply in relation to vehicles, trailers or types authorised in accordance with the order.

(2) The Department may by order make provision for securing that, subject to such restrictions and conditions as may be specified by or under the order, regulations under Article 55 shall have effect in their application to such vehicles, trailers and types of vehicles and trailers as are mentioned in paragraph (1) subject to such modifications or exceptions as may be specified in the order.

(3) [^{F7}Article 110(1) and] the Statutory Rules (Northern Ireland) Order 1979^{F8} shall not apply to an order made by the Department under this Article where the order applies only

- (a) to specified vehicles; or
- (b) to vehicles of specified persons,

and any such order may be varied or revoked by subsequent order of the Department.

F7 Words in art. 60(3) inserted (27.6.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 86(1), **Sch. 7 para. 14**; S.R. 2007/302, **art. 2**, Sch.

F8 1979 NI 12

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