

## SCHEDULES

### SCHEDULE I

Articles 26, 28 and 29

#### Supplementary Provisions in connection with Proceedings for Offences under Articles 16, 28 and 29(4)

1.—(1) A person against whom proceedings are brought for an offence under Article 26, 28 or 29(4) shall, upon complaint on oath and in writing made to a justice of the peace for the county court division in which the proceedings are brought and on giving to the prosecution not less than 7 days' notice of his intention, be entitled to have any person to whose act or default in Northern Ireland he alleges that the contravention of that Article was due brought before the court in the proceedings.

(2) If, after the contravention has been proved, the original accused proves that the contravention was due to such act or default of that other person—

- (a) that other person may be convicted of the offence; and
  - (b) if the original accused further proves that he has used all due diligence to secure that Article 26, 28 or, as the case may be, 29(4) was complied with, he shall be acquitted of the offence.
- (3) Where an accused seeks to avail himself of the provisions of sub-paragraphs (1) and (2)—
- (a) the prosecution, as well as the person whom the accused charges with the offence, shall have the right to cross-examine him, if he gives evidence, and any witness called by him in support of his pleas, and to call rebutting evidence; and
  - (b) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings to any other party to the proceedings.

2.—(1) Where—

- (a) it appears that an offence under Article 26, 28 or 29(4) has been committed in respect of which proceedings might be taken against some person (in this Schedule referred to as "the original offender"); and
- (b) a person proposing to take proceedings in respect of the offence is reasonably satisfied—
  - (i) that the offence of which complaint is made was due to an act or default of some other person, being an act or default which took place in Northern Ireland; and
  - (ii) that the original offender could establish a defence under paragraph 1,the proceedings may be taken against that other person without proceedings first being taken against the original offender.

(2) In any such proceedings the accused may be charged with, and on proof that the contravention was due to his act or default be convicted of, the offence with which the original offender might have been charged.

3.—(1) Subject to the provisions of this paragraph, in any proceedings for an offence under Article 26, it shall be a defence for the accused to prove—

- (a) if the offence is under paragraph (3)(a) of that Article—
  - (i) that he purchased the equipment in question as being of a type which could be lawfully sold or offered or exposed for sale as conducive to the safety in the event

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- of accident of prescribed classes of children in prescribed classes of motor vehicles and with a written warranty to that effect;
- (ii) that he had no reason to believe at the time of the commission of the alleged offence that it was not of such a type; and
- (iii) That it was then in the same state as when he purchased it;
- (b) if the offence is under paragraph (3)(b) of that Article, he provided information in relation to the equipment and it is alleged that it did not include appropriate information or included or consisted of inappropriate information—
  - (i) that the information provided by him was information which had been provided to him with a written warranty to the effect that it was the information required to be provided by him under Article 26; and
  - (ii) that he had no reason to believe at the time of the commission of the alleged offence that the information provided by him was not the information required to be provided under that paragraph; or
- (c) if the offence is under paragraph (3)(b) of that Article, he provided information in relation to the equipment and it is alleged that it was not provided in the manner required under that Article—
  - (i) that the information provided by him had been provided to him either with a written warranty to the effect that it was provided to him in the manner in which it was required to be provided by him under that Article or with instructions as to the manner in which the information should be provided by him and with a written warranty to the effect that provision in that manner would comply with regulations under that Article;
  - (ii) that he had no reason to believe at the time of the commission of the alleged offence that he was not providing the information in the manner required under that Article; and
  - (iii) that the information was then in the same state as when it was provided to him or, as the case may be, that it was provided by him in accordance with the instructions given to him.
- (2) Subject to the provisions of this paragraph, in any proceedings for an offence under Article 28 or 29(4) it shall be a defence for the accused to prove—
  - (a) that he purchased the helmet or appliance in question as being of a type which—
    - (i) in the case of Article 28, could be lawfully sold or offered or exposed for sale under that Article; and
    - (ii) in the case of Article 29(4), could be lawfully sold or offered or exposed for sale under Article 29 as authorised for use in the manner in question, and with a written warranty to that effect; and
  - (b) that he had no reason to believe at the time of the commission of the alleged offence that it was not of such a type; and
  - (c) that it was then in the same state as when he purchased it.
- (3) A warranty shall only be a defence in any such proceedings if—
  - (a) the accused—
    - (i) has, not later than 7 days before the date of the hearing, sent to the prosecutor a copy of the warranty with a notice stating that he intends to rely on it and specifying the name and address of the person from whom he received it; and
    - (ii) has also sent a like notice of his intention to that person; and

(b) in the case of a warranty given by a person resident outside Northern Ireland, the accused proves that he had taken reasonable steps to ascertain, and did in fact believe in, the accuracy of the statement contained in the warranty.

(4) Where the accused is a servant of the person who purchased the equipment, helmet or appliance in question under a warranty, or to whom the information in question was provided under a warranty, he shall be entitled to rely on the provisions of this paragraph in the same way as his employer would have been entitled to do if he had been the accused.

(5) The person by whom the warranty is alleged to have been given shall be entitled to appear at the hearing and to give evidence, and the court may, if it thinks fit, adjourn the hearing to enable him to do so.

4.—(1) An accused who in any proceedings for an offence under Article 26, 28 or 29(4) wilfully applies to equipment, information, a helmet or, as the case may be, an appliance a warranty not given in relation to it is guilty of an offence.

(2) A person who, in respect of equipment, a helmet, or an appliance sold by him, or information provided by him, being equipment, a helmet an appliance or information in respect of which a warranty might be pleaded under paragraph 3, gives to the purchaser a false warranty in writing, is guilty of an offence, unless he proves that when he gave the warranty he had reason to believe that the statements or description contained in it were accurate.

(3) Where the accused in a prosecution for an offence under Article 26, 28 or 29(4) relies successfully on a warranty given to him or his employer, any proceedings under subparagraph (2) in respect of the warranty may, at the option of the prosecutor, be taken before a court having jurisdiction in the county court division—

- (a) in which the equipment, helmet or appliance, or any of the equipment, helmets or appliances, to which the warranty relates was procured;
- (b) in which the information, or any of it, to which the warranty relates was provided; or
- (c) in which the warranty was given.

5. In this Schedule, “equipment” means equipment to which Article 26 applies and “appliance” means an appliance to which Article 29 applies.

## SCHEDULE 2

### PROSECUTION AND PUNISHMENT OF OFFENCES UNDER THIS ORDER

(1) Provision creating offence	(2) General nature of offence	(3) Mode of prosecution	(4) Punishment
Article 9	Causing death, or grievous bodily injury, by dangerous driving.	On indictment.	10 years or a fine or both.
Article 10	Dangerous driving	(a) (a) Summarily. (b) On indictment.	(a) (a) 6 months or the statutory maximum or both.

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(1) Provision creating offence	(2) General nature of offence	(3) Mode of prosecution	(4) Punishment
			(b) 2 years or a fine or both.
Article 12	Careless, and inconsiderate, driving.	Summarily.	Level 4 on the standard scale.
Article 14	Causing death, or grievous bodily injury, by careless driving when under influence of drink or drugs.	On indictment.	10 years or a fine or both.
Article 15(1)	Driving or attempting to drive when unfit to drive through drink or drugs.	Summarily.	6 months or level 5 on the standard scale or both.
Article 15(2)	Being in charge of a mechanically propelled vehicle when unfit to drive through drink or drugs.	Summarily.	3 months or level 4 on the standard scale or both.
Article 16(1)(a)	Driving or attempting to drive with excess alcohol in breath, blood or urine.	Summarily.	6 months or level 5 on the standard scale or both.
Article 16(1)(b)	Being in charge of a motor vehicle with excess alcohol in breath, blood or urine.	Summarily.	3 months or level 4 on the standard scale or both.
Article 17	Failing to provide a specimen of breath for a preliminary breath test.	Summarily.	Level 3 on the standard scale.
Article 18	Failing to provide specimen for analysis or laboratory test.	Summarily.	(a) (a) Where the specimen was required to ascertain ability to drive or proportion of alcohol at time offender was driving or attempting to drive, 6 months or level 5 on the standard scale or both.

(1) Provision creating offence	(2) General nature of offence	(3) Mode of prosecution	(4) Punishment
			(b) In any other case, 3 months or level 4 on the standard scale or both.
Article 23	Driving or riding in a motor vehicle in contravention of regulations requiring wearing of seat belts.	Summarily.	Level 2 on the standard scale.
Article 24(2)	Driving motor vehicle with child in front not wearing seat belt.	Summarily.	Level 2 on the standard scale.
Article 24(5)	Driving motor vehicle with child in rear not wearing seat belt.	Summarily.	Level 1 on the standard scale.
Article 26(3) or (4)	Selling, etc., in certain circumstances equipment as conductive to the safety of children in motor vehicles.	Summarily.	Level 3 on the standard scale.
Article 27	Driving or riding motor cycles in contravention of regulations requiring wearing of protective headgear.	Summarily.	Level 2 on the standard scale.
Article 28	Selling, etc., helmet not of the prescribed type as helmet for affording protection for motor cyclists.	Summarily.	Level 3 on the standard scale.
Article 29(3)	Contravention of regulations with respect to use of head- worn appliances on motor cycles.	Summarily.	Level 2 on the standard scale.
Article 29(4)	Selling, etc., appliance not of prescribed type as approved for use on motor cycles.	Summarily.	Level 3 on the standard scale.

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(1) Provision creating offence	(2) General nature of offence	(3) Mode of prosecution	(4) Punishment
Article 30	Prohibition of parking of heavy commercial vehicles on verges, etc.	Summarily.	Level 3 on the standard scale.
Article 32	Leaving vehicles in dangerous positions.	Summarily.	Level 3 on the standard scale.
Article 33	Causing danger to road-users.	(a) Summarily. (b) On indictment.	(a) 6 months or the statutory maximum or both. (b) 7 years or a fine or both.
Article 34	Carrying passenger on motor bicycle contrary to Article 34.	Summarily.	Level 3 on the standard scale.
Article 35	Carrying passenger on a bicycle contrary to Article 35.	Summarily.	Level 1 on the standard scale.
Article 36	Tampering with motor vehicles.	Summarily.	Level 3 on the standard scale.
Article 37	Holding or getting on to vehicle etc., in order to be towed or carried.	Summarily.	Level 1 on the standard scale.
Article 38	Pedestrian endangering own safety or other's safety.	Summarily.	Level 3 on the standard scale.
Article 39	Passing incorrectly with led horse.	Summarily.	Level 2 on the standard scale.
Article 40	Drunkenness, etc., in charge of horse-drawn vehicle.	Summarily.	Level 3 on the standard scale.
Article 41	Careless, and inconsiderate, driving of horse-drawn vehicle.	Summarily.	Level 3 on the standard scale.
Article 42	Dangerous cycling.	Summarily.	Level 4 on the standard scale.
Article 43	Careless, and inconsiderate, cycling.	Summarily.	Level 3 on the standard scale.
Article 44	Cycling when unfit through drink or drugs.	Summarily.	Level 3 on the standard scale.

(1) Provision creating offence	(2) General nature of offence	(3) Mode of prosecution	(4) Punishment
Article 45(1)	Unauthorised or irregular cycle racing or trials of speed on public roads.	Summarily.	Level 1 on the standard scale.
Article 45(6)	Contravention of direction of Chief Constable.	Summarily.	Level 1 on the standard scale.
Article 46	Contravening prohibition on persons under 14 driving electrically assisted pedal cycles.	Summarily.	Level 2 on the standard scale.
Article 47	Unauthorised motor vehicle trial on public paths, etc.	Summarily.	Level 3 on the standard scale.
Article 48	Driving mechanically propelled vehicles elsewhere than on roads.	Summarily.	Level 3 on the standard scale.
Article 49	Failing to comply with traffic directions.	Summarily.	Level 3 on the standard scale.
Article 54.	Using vehicle in dangerous condition, etc.	Summarily.	(a) (a) Level 5 on the standard scale if committed in respect of a goods vehicle or a vehicle adapted to carry more than 8 passengers. (b) Level 4 on the standard scale in any other case.
Article 56	Breach of requirement as to brakes, steering-gear or tyres.	Summarily.	(a) (a) Level 5 on the standard scale if committed in respect of a goods vehicle or

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(1) Provision creating offence	(2) General nature of offence	(3) Mode of prosecution	(4) Punishment
			a vehicle adapted to carry more than 8 passengers.
			(b) Level 4 on the standard scale in any other case.
Article 57	Breach of requirement as to weight: goods and passenger vehicles.	Summarily.	Level 5 on the standard scale.
Article 58	Breach of other construction and use requirements.	Summarily.	(a) (a) Level 4 on the standard scale if committed in respect of a good vehicle or a vehicle adapted to carry more than 8 passengers.
			(b) Level 3 on the standard scale in any other case.
Article 63	Using etc., vehicle without required test certificate being in force.	Summarily.	(a) (a) Level 4 on the standard scale in the case of a vehicle adapted to carry more than 8 passengers.
			(b) Level 3 on the standard scale in any other case.
Regulations under Article 65 made by virtue of Article 67(2)	Contravention of requirement of regulations (which is declared by	Summarily.	Level 3 on the standard scale.



(1) Provision creating offence	(2) General nature of offence	(3) Mode of prosecution	(4) Punishment
Article 69(1)	regulations to be an offence) that driver of goods vehicle being tested be present throughout test or drive, etc., vehicle as and when directed. Using, etc., goods vehicle without required plating certificate being in force.	Summarily.	Level 3 on the standard scale.
Article 69(2)	Using, etc., goods vehicle without required goods vehicle test certificate being in force.	Summarily.	Level 4 on the standard scale.
Article 69(3)	Using, etc., goods vehicle where Department is required by regulations under Article 65 to be notified of an alteration to the vehicle or its equipment but has not been notified.	Summarily.	Level 3 on the standard scale.
Article 70	Using goods vehicle with unauthorised weights as well as authorised weights marked on it.	Summarily.	Level 3 on the standard scale.
Article 71	Driver of goods vehicle allowing unauthorised passengers to be carried in vehicle; unauthorised passengers being carried in goods vehicle.	Summarily.	Level 3 on the standard scale.
Article 75	Obstructing testing of vehicle by examiner on road or failing to comply with	Summarily.	Level 3 on the standard scale.

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(1) Provision creating offence	(2) General nature of offence	(3) Mode of prosecution	(4) Punishment
	requirements of Article 75.		
Article 76	Obstructing inspection etc., of vehicle by examiner or failing to comply with requirement to take vehicle for inspection.	Summarily.	Level 3 on the standard scale.
Article 80	Driving, etc., vehicle in contravention of prohibition on driving it as being unfit for service, or refusing, neglecting or otherwise failing to comply with direction to remove a vehicle found overloaded.	Summarily.	Level 5 on the standard scale.
Article 82	Contravention of regulations requiring goods vehicle operator to inspect, and keep records of inspection of, goods vehicles.	Summarily.	Level 3 on the standard scale.
Article 83	Selling, etc., unroadworthy vehicle or trailer or altering vehicle or trailer so as to make it unroadworthy.	Summarily.	Level 5 on the standard scale.
Article 84(1)	Fitting of defective or unsuitable vehicle parts.	Summarily.	Level 5 on the standard scale.
Article 84(3)	Supplying defective or unsuitable vehicle parts.	Summarily.	Level 4 on the standard scale.
Article 84(8)	Obstructing examiner testing vehicles to ascertain whether defective or unsuitable part has been fitted, etc.	Summarily.	Level 3 on the standard scale.
Article 85	Obstructing examiner testing condition of	Summarily.	Level 3 on the standard scale.

(1) Provision creating offence	(2) General nature of offence	(3) Mode of prosecution	(4) Punishment
	used vehicles at sale rooms, etc.		
Article 86	Failing to comply with requirement about weighing motor vehicle or obstructing authorised person.	Summarily.	Level 5 on the standard scale.
Article 88	Selling, etc., cycle in contravention of regulations as to brakes, bells, etc.	Summarily.	Level 3 on the standard scale.
Article 90	Selling, etc., wrongly made tail lamps or reflectors.	Summarily.	Level 5 on the standard scale.
Schedule 1 paragraph 4	Applying warranty to equipment, protective helmet, appliance or information in defending proceedings under Article 26, 28 or 29(4) where no warranty given, or applying false warranty.	Summarily.	Level 3 on the standard scale.

## SCHEDULE 3

Article 112(1).

## Minor and Consequential Amendments

## Part I

## Amendments of the Order of 1981

1.—(1) In Article 2 (interpretation), in paragraph (2)—

(a) insert the following definitions at the appropriate place alphabetically—

““the Order of 1995” means the Road Traffic (Northern Ireland) Order 1995;” and

““the Road Traffic Orders” means this Order and the Order of 1995;”;

(b) omit the definitions of “driver”, “invalid carriage”, “owner”, “pedal cycle” and “trolley vehicle” and, in the definition of “vehicle” the word “pedal”; and

(c) for the definition of inspector of vehicles substitute—

““inspector of vehicles” shall be construed in accordance with paragraph (4) of Article 74 of the Order of 1995 (appointment of vehicle examiners).”

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- (2) After that paragraph insert—
- “(2A) Any expression for whose interpretation provision is made by Part I of the Order of 1995 or Article 53 of that Order (and not by this Article) is to be construed in accordance with that provision.”
2. In Article 4 (exceptions to requirement that drivers of motor vehicles have driving licences), in paragraph (3)(a) for the words “this Order” substitute “the Road Traffic Orders”.
- 3.—(1) In Article 19A (restrictions on newly qualified drivers and drivers disqualified until tested), in paragraph (5) for the words “this Order” in both places substitute “the Road Traffic Orders”.
- (2) In paragraph (6) of that Article—
- (a) in sub-paragraph (b) omit heads (ii), (iii) and (v), and
- (b) in head (vi) for the word “motor” substitute “mechanically propelled”.
- (3) After sub-paragraph (b) of paragraph (6) of that Article insert—
- “(bb) an offence under any of the following provisions of the Order of 1995, that is to say—
- (i) Article 9 (causing death, or grievous bodily injury, by dangerous driving);
- (ii) Article 10 (dangerous driving);
- (iii) Article 12 (careless, and inconsiderate, driving);
- (iv) Article 34 (restriction of carriage of persons on motor bicycles); or.”
4. In Article 19D (interpretation of Part II)—
- (a) in the definition of “relevant maximum weight”; and
- (b) in the definition of “relevant maximum train weight”,
- for the words “Article 28”, in each place where they occur, substitute “Article 55 of the Order of 1995”.
5. In Article 31A (approved of design, construction, etc. of motor vehicles), in paragraph (1) for the words “Article 28” substitute “Article 55 of the Order of 1995”.
6. In Article 58 (regulations), in paragraph (1),
- (a) for the words “Articles 53 to 57” substitute “Article 56”; and
- (b) omit the words from “and in particular” onwards.
7. In Article 80 (repayment of fees) for the words “Articles 58, 66, or 69” substitute “Article 66”.
- 8.—(1) In Article 88 (weighing of vehicles on harbour land), in the heading, for “Article 206” substitute “Articles 86 and 87 of the Order of 1995”.
- (2) In paragraph (1) of that Article—
- (a) for the words from “Article 206(1)” to “constable” substitute “Article 86(1) of the Order of 1995 (whereby an authorised person”, and
- (b) for the words “that Article” substitute “Article 86 or 87 of the Order of 1995”.
- 9.—(1) In Article 89 (interpretation and transitional provisions relating to Part VII), in paragraph (1), in the definition of “authorised officer”—
- (a) for paragraph (a) substitute—
- “(a) an examiner appointed under Article 74 of the Order of 1995;”,
- (b) omit paragraph (b); and

- (c) for paragraph (f) substitute—
  - “(f) in relation to functions under Articles 86 and 87 of the Order of 1995, an authorised person within the meaning of Article 86 of that Order”.
- (2) In paragraph (5) of that Article for the words “this Order” substitute “the Road Traffic Orders”.
- 10.** In Article 118 (employment of traffic wardens), in paragraph (2) —
  - (a) omit “158”; and
  - (b) after “180(1) to (3)” insert “of this Order and Article 49 of the Order of 1995”.
- 11.—**(1) In Article 150 (use of specimens in proceedings)—
  - (a) in the heading of the Article, for the words “Article 143 or 144”, substitute “Article 14, 15 or 16 of the Order of 1995”; and
  - (b) in paragraph (1) for the words “Article 143 or 144” substitute “Article 14, 15 or 16 of the Order of 1995 (driving offences connected with drink or drugs); and expressions used in this Article and in Articles 151 and 152 have the same meaning as in Article 13 of the Order of 1995”.

(2) In paragraph (2) of that Article after the word “cases” insert the words “(including cases where the specimen was not provided in connection with the alleged offence)”.
- 12.** In Article 171 (vehicle causing obstruction)—
  - (a) omit paragraph (1); and
  - (b) in paragraph (2) for the word “so” substitute “in contravention of Article 32 of the Order of 1995 (leaving vehicles in dangerous positions)”.
- 13.** In Article 172 (taking vehicle without owner’s consent or authority), in paragraphs (1), (3) and (4) omit the word “pedal” wherever it occurs.
- 14.—**(1) In Article 174 (false statements in connection with forgery of, and fraudulent use of, documents, etc.), in sub-paragraphs (a) and (b) of paragraph (1) for the words “this Order”, wherever they occur, substitute “the Road Traffic Orders”.

(2) In paragraph (2) of that Article—
  - (a) for the words “this Order”(first time) substitute “the Road Traffic Orders”;
  - (b) for the words “Article 129A” substitute “Article 23 of the Order of 1995”.
- 15.** In Article 177 (identification of drivers, or owners of, and passengers in, vehicles) for the words “this Order”(where they occur for the first time) substitute “the Road Traffic Orders”.
- 16.** In Article 178 (identification of cyclists)—
  - (a) omit the word “pedal”; and
  - (b) for the words “Article 162” substitute “Article 42, 43 or 44 of the Order of 1995”.
- 17.** In Article 179 (identification of pedestrians), in paragraph (1) for the words “this Order”, in both places substitute “the Road Traffic Orders”.
- 18.—**(1) In Article 180 (enforcement powers of constable) in paragraph (1) for the words from “motor vehicle” to “pedal cycle” substitute “mechanically propelled vehicle on a road or other public place or any person riding a cycle”.

(2) In paragraph (2) of that Article—
  - (a) for the words “or vehicle test certificate” substitute “test certificate or goods vehicle test certificate”; and

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- (b) in sub-paragraph (c) of that paragraph for words “this Order” substitute “the Road Traffic Orders”.
- (3) In paragraph (4) of that Article for the words “vehicle test certificate”(in both places where they occur) substitute “test certificate or goods vehicle test certificate”.
- (4) In paragraph (7) of that Article for the words from “this Order”(first time) to “this Order”(second time) substitute “the Road Traffic Orders shall, without prejudice to any other provision of those Orders,”.
- 19.**—(1) As from the day appointed under Article 1(2) of the Road Traffic (amendment) (Northern Ireland) Order 1991<sup>(1)</sup> for the coming into operation of Article 7 of that Order, Article 180 shall have effect subject to the following amendments.
- (2) In paragraphs (2) and (4) of that Article after the words “goods vehicle test certificate”, wherever they occur insert “or motor cycle training certificate”.
- (3) After paragraph (4) of that Article insert—
- “(4A) In paragraphs (2) and (4) “motor cycle training certificate” means a certificate, as prescribed under Article 5, of completion of an approved training course for motor cyclists”.
- 20.** In Article 181 (power to arrest persons resident outside the United Kingdom), for paragraph (2)(b) substitute—
- “(b) any offence under Article 9 of the Order of 1995;  
(bb) any offence under Article 10 of the Order of 1995;”.
- 21.** In Article 184 (notice of intention to prosecute for certain offences), in paragraph (1)—
- (a) for the words “or 171” substitute “or an offence under Article 32 of the Order of 1995”; and
- (b) for the words “this Order” substitute “the Road Traffic Orders”.
- 22.** In Articles 187(1), 188(1), 190(1), 191 and 192(1) for the words “this Order”, wherever they occur, substitute “the Road Traffic Orders”.
- 23.**—(1) In Article 194 (provisions as to disqualification for applying or obtaining a licence), in paragraph (1) for the words from the beginning to “Article 201” substitute—
- “Subject to paragraph (2), any court before which a person is convicted under the Road Traffic Orders or otherwise of any offence in connection with the use, driving or being in charge of a motor vehicle on any road or other public place”.
- (2) For paragraph (2) of that Article substitute—
- “(2) Nothing in paragraph (1) shall prejudice the provisions of Article 193 or 197A, or any enactment under which a court may be required to disqualify a person convicted of an offence for a minimum period.
- (2A) In any case where a court exercises its powers under Article 139 or 152 not to order disqualification or to order disqualification for a shorter period than would otherwise be required it must state the grounds for doing so in the order of the court.”
- 24.** In Article 196 (order of disqualification until test passed), in paragraphs (1) and (2) for the words “this Order”, wherever they occur, substitute “the Road Traffic Orders”.
- 25.** In Article 197 (provisions as to endorsements of licences), in paragraph (1) for the words “this Order” in both places insert “the Road Traffic Orders”
- 26.**—(1) In Article 198 (offences which are punishable without prosecution)—

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(1) 1991 NI 3.

- (a) in sub-paragraph (d) of paragraph (1), for the words “Article 29” substitute “Article 54, 56, 57 or 58 of the Order of 1995”; and
  - (b) in sub-paragraph (f) of that paragraph for the words “the Vehicles (Excise) Act (Northern Ireland) 1972” substitute “the Vehicle Excise and Registration Act 1994”.
- (2) In paragraph (2) of that Article for the words “this Order” substitute “the Road Traffic Orders”.

**27.**—(1) In Article 212 (application of Order to hovercraft and trolley vehicles), in paragraph (1) (b) for the words from “sub-paragraphs” onwards substitute “Article 3 of the Order of 1995”.

- (2) In paragraph (3) of that Article—
  - (a) for the words “Article 28” substitute “Article 50A”;
  - (b) omit the words “Articles 38 to 49”, “Article 57”, and the reference to Articles 139, 141 and 153; and
  - (c) for the words “Article 205” substitute “Article 8 of the Order of 1995”.

**28.** In Article 214 (application of Order to the Crown), in paragraph (3) for the words “Articles 55 to 57” substitute “Article 56”.

**29.** In Article 215 (application of Order in relation to harbour commissioners), in paragraph (2) omit sub-paragraphs (a), (c), (d) and (f).

- 30.** In Schedule 1 (statutory provisions conferring functions on authorised officers)—
- (a) omit the entries relating to Articles 35, 57, 68 and 206 of the Order of 1981; and
  - (b) at the end insert the following entries—

	Article 75 of the Order of 1995.	To test motor vehicles on roads, etc.
Article 76 of the Order of 1995.	To stop and test goods vehicles, public passenger vehicles, etc.	
Articles 86 and 87 of the Order of 1995.	To require a motor vehicle or any trailer drawn by a motor vehicle to be weighed.	

**31.** In Schedule 2 (statutory provisions relating to vehicles and their drivers)—

- (a) omit the entry relating to regulations made under Article 28 of the Order of 1981 and the entry relating to Articles 38 to 42 and 45 to 49 and regulations made thereunder; and
- (b) at the end insert the following entry—

Regulations made under Article 55 of the order of 1995.	To require the construction, weight, equipment and use of vehicles.
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**32.** In Schedule 4 (table of offences, etc.)—

- (a) after the entry relating to Article 174A insert the following entry—

“174B	Breach of regulations under Road Traffic Orders.	Summary.	A fine of level 3 on the standard scale;”
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- (b) in the entry relating to Article 175 for the word “motor” substitute “mechanically propelled”.

## PART II

### Other Amendments

#### *Transport Act (Northern Ireland) 1967 (c. 37)*

**33.**—(1) In section 81 (interpretation of the Act) the existing provision shall be numbered as subsection (1).

(2) After that provision insert the following subsection—

“(2) Any reference in this Act to an inspector appointed under Part IV shall be construed in accordance with paragraph (4) of Article 74 of the Road Traffic (Northern Ireland) Order 1995 (appointment of vehicle examiners)”

#### *Clean Air (Northern Ireland) Order 1981 (NI 4)*

**34.** In Article 34 (suspected offences in relation to motor vehicles) for the words “Article 28(1)(d) of the Road Traffic (Northern Ireland) Order 1981” substitute “Article 55(2)(b) of the Road Traffic (Northern Ireland) Order 1995”.

#### *Fines and Penalties (Northern Ireland) Order 1984 (NI 3)*

**35.** In Schedule 2 (fines not increased by the Order) for paragraph 20 substitute—

“**20.** Article 62(2) of the Road Traffic (Northern Ireland) Order 1981”.

#### *Police and Criminal Evidence (Northern Ireland) Order 1989 (NI 12)*

**35.** In Article 35 (limitations on police detention), in paragraph (7) for the words from “under” to “1981” substitute “under Article 17(5) of the Road Traffic (Northern Ireland) Order 1995”.

**37.** In Article 37 (custody officers at police stations), in paragraph (6), for sub-paragraph (d) substitute—

“(d) doing anything under Article 18 or 19 of the Road Traffic (Northern Ireland) Order 1995”.

**38.** In Article 62 (intimate samples), for paragraph (11) substitute—

“(11) Nothing in this Article affects Articles 13 to 21 of the Road Traffic (Northern Ireland) Order 1995 or Articles 150 to 152 of the Road Traffic (Northern Ireland) Order 1981”.

**39.** In Schedule 5 (serious arrestable offences), in Part II, omit paragraph 3 and the heading preceding it, and at the end of that Schedule add—

#### *Road Traffic (Northern Ireland) Order 1995*

**13.** Article 9 (causing death, or grievous bodily injury, by dangerous driving).

**14.** Article 14 (causing death, or grievous bodily injury, by careless driving when under influence of drink or drugs).”



*Radioactive Materials (Road Transport) (Northern Ireland) Order 1992 (NI 2)*

- 40.** In Article 2(2) (definitions) in the definition of “inspector” for paragraph (b) substitute—  
“(b) a person appointed as an examiner under Article 74 of the Road Traffic (Northern Ireland) Order 1995;”.

*Roads (Northern Ireland) Order 1993 (NI 15)*

- 41.** In Article 24 (exercise of road functions by concessionaire), in paragraph (2)(b) for the words “Road Traffic Order” substitute “Road Traffic (Northern Ireland) Orders 1981 and 1995”.

- 42.** In Article 39 (restriction on access to toll roads), in paragraph (3)(b) for the words "Article 206 of the Road Traffic Order" substitute “Articles 86 and 87 of the Road Traffic (Northern Ireland) Order 1995”.

*Criminal Justice (Northern Ireland) Order 1994 (NI 15)*

- 43.—(1)** In Article 11 (power to deprive offenders of property used for purposes of crime), in paragraph (3)(b) for the words “Article 146 of the Road Traffic (Northern Ireland) Order 1981” substitute “Article 18 of the Road Traffic (Northern Ireland) Order 1995”.

- (2) In paragraph (4) of that Article for the words “Order 1981” substitute “Orders 1981 and 1995”.

## SCHEDULE 4

Article 112(2).

## Repeals

Chapter or Number	Short title	Extent of repeal or revocation
S.R. & O. (N.I.) 1933 No. 42.	The Road Vehicles (Traffic) Regulations 1933.	Regulations 4 and 5.
1967 c. 37 (N.I.).	The Transport Act (Northern Ireland) 1967.	Section 37(1).
1981 NI 1.	The Road Traffic (Northern Ireland) Order 1981.	In Article 2— (a) in paragraph (2) the definitions of driver , invalid carriage , owner , pedal cycle and trolley vehicle and, in the definition of vehicle , the word pedal; (b) paragraph (3).  In Article 19A(6)(b), heads (ii), (iii) and (v). Article 26A. Articles 28 to 31, 32 to 49, 53 to 55 and 57.  In Article 58(1), the words from and in particular onwards. Articles 67 to 69.

**Status:** This is the original version (as it was originally made).

Chapter or Number	Short title	Extent of repeal or revocation
		In Article 89(1), in the definition of authorised officer , paragraph (b).
		In Article 118(2), the reference to Article 158.
		Articles 129, 129A to 129D, 130, 131, 142 to 149, 152A, 153, 158 to 162, 164, 165, 170 and 171(1).
		In Article 172(1), (3) and (4), the word pedal wherever it occurs.
		Article 173.
		In Article 178, the word pedal . Articles 205, 206 and 211.
		In Article 212(3), the words Articles 38 to 49 , Article 57 and the reference to Articles 139, 141 and 153.
		In Article 215(2), paragraphs (a), (c), (d) and (f). Article 217(3).
		In Schedule 1, the entries relating to Articles 35, 57, 68 and 206 of the Order of 1981.
		In Schedule 2, the entry relating to regulations made under Article 28 of the Order of 1981, and the entry relating to Articles 38 to 42 and 45 to 49 of that Order and regulations made under those Articles.
		Schedule 3.
		In Schedule 4—
		(a) the entries relating to Articles 26A, 29, 30, 31(1), (3) and (6), 32, 34, 35, 36(5) and (6), 47, 53, 55, 57(3) and (5), 67, 129, 129A, 129B, 129D, 139(1) and (2), 142, 143(1) and (2), 144(1)(a) and (b), 145, 146, 153, 158, 160, 161, 162, 164, 165, 170 and 171(1);

Chapter or Number	Short title	Extent of repeal or revocation
		(b) in the entry relating to Article 172, the word pedal (twice);
		(c) the entry relating to Article 173;
		(d) in the entry relating to Article 178, the word pedal ;
		(e) the entry relating to Article 206;
		(f) the entries relating to Article 211(1) and (4) and Schedule 3, paragraph 3(1) and (2);
		(g) the entry relating to regulations made under the Order.
1982 NI 3.	The Road Traffic (Seatbelts) (Northern Ireland) Order 1982.	The whole Order.
1983 NI 3.	The Road Traffic (Seatbelts) (Northern Ireland) Order 1983.	The whole Order.
1984 NI 3.	The Fines and Penalties (Northern Ireland) Order 1984.	In Schedule 3, the entries relating to the Road Traffic (Northern Ireland) Order 1981.
1984 NI 15.	The Road Traffic, Transport and Roads (Northern Ireland) Order 1984.	Articles 4, 5, 6 and 8.
1985 NI 6.	The Road Traffic (Type Approval) (Northern Ireland) Order 1985.	Article 4.
1989 NI 5.	The Motor Vehicles (Wearing of Rear Seat Belts by Children) (Northern Ireland) Order 1989.	The whole Order.
1989 NI 12.	The Police and Criminal Evidence (Northern Ireland) Order 1989.	In Schedule 5, in Part II, paragraph 3.
1991 NI 3.	The Road Traffic (Amendment) (Northern Ireland) Order 1991.	In Article 7— (a) in paragraph (4) the subparagraph to be inserted as subparagraph (d) in Article 13(3) of the Road Traffic (Northern Ireland) Order 1981; (b) paragraph (6); and (c) in paragraph (7) subparagraph (a) and in subparagraph (b) the subparagraph to be inserted

**Status:** This is the original version (as it was originally made).

Chapter or Number	Short title	Extent of repeal or revocation as sub-paragraph (b) in Article 14(3) of the Road Traffic (Northern Ireland) Order 1981.
1993 NI 15.	The Roads (Northern Ireland) Order 1993.	In Schedule 4, Part II.  In Schedule 10 the amendments relating to Articles 26A(4) and 28(1)(h) of the Road Traffic (Northern Ireland) Order 1981.