STATUTORY RULES OF NORTHERN IRELAND

2008 No. 135

ROADS

ROAD TRAFFIC AND VEHICLES

The Motorways Traffic Regulations (Northern Ireland) 2008

Made - - - - *19th March 2008*

Coming into operation *28th May 2008*

The Department for Regional Development(**1**) makes the following regulations in exercise of the powers conferred by Article 20(3) of the Roads (Northern Ireland) Order 1993(**2**) and now vested in it(**3**).

Citation, commencement and interpretation

1.—(1) These regulations may be cited as The Motorways Traffic Regulations (Northern Ireland) 2008 and shall come into operation on 28th May 2008.

(2) In these regulations:—

"bus" means a motor vehicle constructed or adapted to carry more than 28 seated passengers (exclusive of the driver);

"bus lane" means the area of hard shoulder of a length of motorway specified in Schedules 1 and 2;

"central reservation" means that part of a motorway other than the hard shoulder, which separates the carriageway used by vehicles travelling in one direction from the carriageway used by vehicles travelling in the opposite direction;

"excluded traffic" means traffic which is not traffic of Classes I or II in Schedule 1 to the Order;

"hard shoulder" means a part of the motorway adjacent to the carriageway designed to take the weight of a vehicle;

"motorway" means a road designated as a special road under Article 15 of the Order or under any statutory provision repealed by the Order and includes trunk roads to which Part III of the Order applies by virtue of paragraph 4 of Schedule 9 to the Order;

"the Order" means the Roads (Northern Ireland) Order 1993;

(**1**) S.I. 1999/283 (N.I. 1) Article 3(1)
(**2**) S.I. 1993/3160 (N.I. 15)
(**3**) S.R. 1999 No. 481 Article 6(d) and Schedule 4 Part IV

"traffic sign" has the meaning assigned to it by Article 28 of the Road Traffic Regulation (Northern Ireland) Order 1997(**4**);

"verge" means any part of a motorway which is not a carriageway, a hard shoulder, or a central reservation;

"weekday" means a day which is neither a Saturday nor a Sunday.

(3) A vehicle shall be treated for the purposes of these regulations as being on any part of a motorway if any part of the vehicle (whether it is at rest or not) is on any part of the motorway.

Application

2. These regulations shall apply to a motorway which may be used only by traffic of Classes I or II as set out in Schedule 1 to the Order and which has been declared by notice published in the Belfast Gazette in accordance with Article 20(2) of the Order as open for use by such traffic.

Vehicles to be driven on the carriageway only

3. Subject to regulations 6(2), 9, 13(1)(*a*), 13(2) and 14, a vehicle shall not be driven on any part of a motorway which is not a carriageway.

Direction of driving

4.—(1) Where there is a traffic sign indicating that there is no entry to a carriageway at a particular place, a vehicle shall not be driven or moved on to that carriageway at that place.

(2) Where there is a traffic sign indicating that there is no left or right turn into a carriageway at a particular place, a vehicle shall not be so driven or moved as to cause it to turn to the left or (as the case may be) to the right into that carriageway at that place.

(3) Every vehicle on a length of carriageway which is contiguous to a central reservation or to a hard shoulder which is itself contiguous to a central reservation shall be driven in such a direction that the central reservation is at all times on the right-hand side of the vehicle.

(4) Where traffic signs are so placed that there is a length of carriageway (being a length which is not contiguous to a central reservation or a hard shoulder which is itself contiguous to a central reservation) which may be entered at one end only by vehicles driven in conformity with paragraph (1) a vehicle on that length of carriageway shall be driven in such a direction only as to cause it to proceed away from that end of that length of carriageway towards the other end thereof.

(5) A vehicle which—

(a) is on a length of carriageway on which vehicles are required by paragraphs (3) and (4) to be driven in one direction only and is proceeding in or facing that direction; or

(b) is on any other length of carriageway and is proceeding in or facing one direction,

shall not be driven or moved so as to cause it to turn and proceed in or face the opposite direction.

Restriction on stopping

5. Subject to regulations 6(1) and (5) and 14, a vehicle shall not stop or remain at rest on a carriageway.

(**4**) S.I. 1997/276 (N.I. 2)

Exemptions from restriction on stopping

6.—(1) Subject to paragraphs (2), (3) and (4) it shall be lawful for a vehicle being driven on a carriageway to stop—

(a) because of a breakdown or mechanical defect or lack of fuel, oil or water required for the vehicle; or

(b) because of an accident, illness or other emergency; or

(c) to permit any person carried in or on the vehicle to recover or move any object which has fallen on a motorway; or

(d) to permit any person carried in or on the vehicle to give help which is required by any other person in any of the circumstances specified in the foregoing provisions of this paragraph.

(2) Where a vehicle is stopped on a carriageway for any of the reasons mentioned in paragraph (1) the vehicle shall, as soon and insofar as is reasonably practicable, be driven or moved off the carriageway on to, and may stop and remain at rest on, the left-hand hard shoulder except that in the case of a carriageway made up of four or more traffic lanes the vehicle may stop and remain at rest on the hard shoulder which is equidistant or nearest to the vehicle.

(3) A vehicle at rest on a hard shoulder shall so far as is reasonably practicable be allowed to remain at rest on that hard shoulder in such a position only that no part of it or of the load carried on it shall obstruct or be a cause of danger to vehicles using the carriageway.

(4) A vehicle shall not remain at rest on a hard shoulder for longer than is necessary in the circumstances.

(5) The prohibition in regulation 5 shall not apply to a vehicle which is prevented from proceeding along the carriageway by the presence of any other vehicle, a person or object.

Restriction on reversing

7. Subject to regulation 14 a vehicle on a carriageway shall not be driven or moved backwards except insofar as it is necessary to back the vehicle to enable it to proceed forward along the carriageway or to be connected to any other vehicle.

Restriction on the use of hard shoulder

8. Subject to regulations 6(2), (3) and (4), 9 and 14 a vehicle shall not be driven or stop or remain at rest on any hard shoulder.

Use of the hard shoulder as a bus lane

9. Save as provided in regulations 6(2) and 14, a person shall not—

(a) during the hours 7.30 a.m. to 9.30 a.m. and 3.00 p.m. to 6.30 p.m. from Monday to Saturday inclusive, cause or permit any vehicle other than a bus to enter, proceed or wait in a bus lane specified in Schedule 1;

(b) during the hours 7.30 a.m. to 9.30 a.m. on a weekday, cause or permit any vehicle other than a bus to enter, proceed or wait in a bus lane specified in Schedule 2.

Vehicles not to use the central reservation or verge

10. Subject to regulation 14 a vehicle shall not be driven or moved or stop or remain at rest on a central reservation or verge.

Vehicles not to be driven by learner drivers

11.—(1) Subject to paragraph (3), a person shall not drive on a motorway a motor vehicle to which this regulation applies if he is authorised to drive that vehicle only by virtue of his being the holder of a provisional licence.

(2) This regulation applies to—

(a) a vehicle in category A, B, or P; and

(b) a vehicle in sub-category C1 or D1(not for hire or reward) if the provisional licence was in force at a time before 1st January 1997.

(3) Paragraph (1) shall not apply in relation to a vehicle if the holder of the provisional licence has passed a test of competence prescribed under Article 5(3) of the Road Traffic (Northern Ireland) Order 1981(**5**) for the grant of a licence to drive that vehicle.

(4) In this regulation—

(a) the expression "in force" and expressions relating to vehicle categories shall be construed in accordance with regulations 2(2) and 3(2) respectively of the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996(**6**); and

(b) "provisional licence", in relation to any vehicle, means a licence—

(i) granted under Article 13(3) of the Road Traffic (Northern Ireland) Order 1981; or

(ii) which authorises its holder by virtue of Article 14(2) of that Order to drive all other classes of motor vehicle.

Restrictions affecting animals carried in vehicles

12. A person in charge of an animal which is carried by a vehicle using a motorway shall, so far as is practicable, secure that—

(a) the animal shall not be removed from or permitted to leave the vehicle while the vehicle is on a motorway; and

(b) if it escapes from, or it is necessary for it to be removed from, or permitted to leave, the vehicle—

(i) it shall not go or remain on any part of a motorway other than a verge or hard shoulder; and

(ii) it shall whilst it is not on or in the vehicle be held on a lead or otherwise kept under proper control.

Use of motorway by excluded traffic

13.—(1) Excluded traffic may use a motorway in accordance with the following provisions:—

(a) traffic of Classes III or IV if authorised by the Department may use a motorway for the maintenance, repair, cleaning or clearance of any part of a motorway or for the erection, laying, placing, maintenance, testing, alteration, repair or removal of any structure, works or apparatus in, on, under or over a motorway;

(b) pedestrians may use a motorway—

(i) when it is necessary for them to do so as a result of an accident or emergency or of a vehicle being at rest on a motorway in any of the circumstances specified in regulation 6(1) or (2); or

(**5**) S.I. 1981/154 (N.I. 1); Articles 5(3), 13(3) and 14(2) were substituted by Sch. 1 to S.I. 1991/197 (N.I. 3)
(**6**) S.R. 1996 No. 542: relevant amending order is S.R. 1997 No. 383