STATUTORY INSTRUMENTS

1984 No. 1986 (N.I. 15)

The Road Traffic, Transport and Roads (Northern Ireland) Order 1984

- - - - - - *19th December 1984*

Introductory

Title and commencement

1.—(1) This Order may be cited as the Road Traffic, Transport and Roads (Northern Ireland) Order 1984.

(2) Except for Article 18 and Schedule 2, this Order shall come into operation on the expiration of two months from the day on which it is made.

(3) Article 18 and Schedule 2 shall come into operation on such day as the Head of the Department may by order appoint[F1].

F1 fully exercised by SR 1985/60

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 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—

"the Act of 1967" means the Transport Act (Northern Ireland) 1967;

"the Order of 1981" means the Road Traffic (Northern Ireland) Order 1981.

Road traffic

Art. 3 rep. by 1997 NI 2

Arts. 4-6 rep. by 1995 NI 18

Exceptions from requirement of third-party insurance or security

7.—(1) In Article 61 of the Order of 1981 (grant of public service vehicle licences)—

(a) at the beginning of paragraph (3) there shall be inserted the words " Subject to paragraph (3A), "; and

(b) after paragraph (3) there shall be inserted the following paragraph—

"(3A) Paragraph (3) shall not apply to a public service vehicle owned by a company mentioned in Article 90(2)(aa)." .

(2) In Article 90 of the Order of 1981 (insurance or security against third-party risks), in paragraph (2) after sub-paragraph (a) there shall be inserted the following sub-paragraph—

"(aa) any subsidiary company of the Northern Ireland Transport Holding Company providing road passenger transport services;" .

Art. 8 rep. by 1995 NI 18

Article 9—Amendments

Transport

Licensing of public service vehicles

10.—(1) In section 9(1) of the Act of 1967 (fees for road service licences), for the words from "in respect" to "licences" there shall be substituted the following words—

"in respect of—

(a) the grant of road service licences;

(b) applications for documents required in relation to public service vehicles—

(i) registered in Northern Ireland while making journeys to or from places outside Northern Ireland, or

(ii) registered outside Northern Ireland; and

(c) the issuing by the Department of the documents referred to in sub-paragraph (b)," .

(2) In section 45 of the Act of 1967 (power to make regulations) for paragraphs (j) to (l) there shall be substituted the following paragraph—

"(j) the application, with such additions, omissions, alterations or other modifications (whether conditional or not) as may be prescribed, of any of the provisions of Part II or of this Part, in relation to—

(i) public service vehicles registered in Northern Ireland while making journeys to or from places outside Northern Ireland, and

(ii) public service vehicles registered outside Northern Ireland;

and in this paragraph "public service vehicle" has the same meaning as in Article 2(2) of the Road Traffic (Northern Ireland) Order 1981;" .

Conditions of road freight vehicle licences

[F2]11. . . . . . .

F2 Art. 11 repealed (1.7.2012) by Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010 (c. 2), s. 60(2), **Sch. 4**; S.R. 2012/262, art. 2 (with arts. 4-6)

Duration of road freight vehicle licences

[F3]12. . . . . . .

F3 Art. 12 repealed (1.7.2012) by Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010 (c. 2), s. 60(2), **Sch. 4**; S.R. 2012/262, art. 2 (with arts. 4-6)

False statements

F4 13. . . . . . .

F4 Art. 13 repealed (1.7.2012) by Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010 (c. 2), s. 60(2), **Sch. 4**; S.R. 2012/262, art. 2 (with arts. 4-6)

Amendment of section 46 of Act of 1967

14. In section 46 of the Act of 1967 at the end of paragraph (b) there shall be added the words " unless the person to whom the vehicle has been let on hire uses the vehicle to carry such passengers or goods for reward in the course of a business of carrying passengers or goods for reward ".

Level crossings

15. For section 66 of the Act of 1967 there shall be substituted the following section—

"**Safety arrangements at level crossings.**

66.—(1) The Department may, on an application by the railway undertaking made pursuant to this section, by order provide that, while the order remains in force, any statutory provision—

(a) applying to a level crossing specified in the order, and

(b) imposing requirements as to—

(i) barriers or other protective equipment at or near the level crossing;

(ii) the supervision of the level crossing (including the provision of buildings for the purposes of supervision); or

(iii) the operation of the railway at or near the level crossing;

shall not apply in relation to the level crossing.

(2) An order under this section, may require the railway undertaking—

(a) to provide, at or near any level crossing specified in the order, and maintain and operate, such barriers, lights and automatic and other devices as may be specified in the order;

(b) to secure the provision, at or near any level crossing specified in the order, and the maintenance and operation of such traffic signs as may be approved by the Department;

(c) to comply with such other conditions and requirements as are necessary or desirable for the convenience of the public and are specified in the order.

(3) Where—

(a) an order under this section requires the railway undertaking to secure the provision, maintenance and operation of any traffic sign, and

(b) the road crossed by the railway is a public road within the meaning of Article 2 (2) of the Roads (Northern Ireland) Order 1980;

then—

(i) the Department shall carry out any works necessary for the purposes mentioned in paragraph (a);

(ii) the railway undertaking shall pay to the Department amounts equal to the costs of those works; and

(iii) the sign shall be deemed to be provided under Article 122 of the Road Traffic (Northern Ireland) Order 1981.

(4) An application by the railway undertaking to the Department under this section shall be accompanied by a draft, in such form as the Department may direct, of the proposed order.

(5) Before making an application to the Department under this section the railway undertaking shall give written notice of its intention to do so to the council in whose district the level crossing is situated.

(6) The notice under subsection (5)—

(a) shall be accompanied by a copy of the draft order which the railway undertaking intends to submit to the Department; and

(b) shall specify the period (not being less than 2 months) within which the council may make representations to the Department in respect of the application.

(7) The Department shall consider any representations in respect of the application made by such a council within the period specified in accordance with subsection (6)(b) and may then, if it decides to do so, make the order in accordance with the draft submitted by the railway undertaking or with such modifications as the Department thinks fit.

(8) Notwithstanding anything in any other enactment (including a local or private Act) the Department may construct or reconstruct a road crossing the railway on the level.

(9) In this section—

"barrier" includes gate;

"council" and "district" have the meaning given in section 1(3) of the Local Government Act (Northern Ireland) 1972;

"protective equipment" includes lights, traffic signs and telephone and television equipment; and

"traffic sign" has the meaning given in Article 2(2) of the Road Traffic (Northern Ireland) Order 1981.".

Power to construct railways

16.—(1) After Part V of the Act of 1967 there shall be inserted the following Part—

"PART VA

CONSTRUCTION OF RAILWAYS

Construction of railways.

67A.—(1) The railway undertaking may—

(a) construct a new railway;

(b) carry out any work for the improvement of an existing railway,

where it appears to the railway undertaking expedient to do so for the purpose of providing railway services.

(2) The Department may, on application to it by the railway undertaking, make an order authorising the railway undertaking to construct, as part of a new railway or as part of an existing railway—

(a) a bridge over any navigable waters specified in the order (whether sea, river or other navigable waters); or

(b) a tunnel under any such waters.

(3) An order under subsection (2)—

(a) shall include such information as may be necessary to indicate the position and minimum dimensions of the bridge or tunnel, (including, for a bridge, its minimum spans, headways and waterways and, for a tunnel, its minimum depth below the bed of the navigable waters); and

(b) shall, if it relates to the construction of a swing bridge, contain such provisions as the Department considers expedient for regulating the operation of the bridge.

(4) Before making an order under subsection (2) the Department shall take into consideration the reasonable requirements of navigation over the waters affected by the order.

(5) In this section —

"improvement" includes (without prejudice to the generality of that expression) the widening, realigning and reshaping of a railway;

"navigable waters" means waters over which a public right of navigation exists;

"swing bridge" includes a bridge which opens by any mechanical means.

Acquisition of land by Holding Company.

67B.—(1) The Holding Company may acquire land, by agreement or compulsorily, to facilitate the construction of railways and the provision of railway services by the railway undertaking.

(2) Where the Holding Company, in exercise of the powers conferred by subsection (1), wishes to acquire land otherwise than by agreement, the Holding Company may apply to the Department for an order (in this section referred to as a "vesting order") vesting the land in the Holding Company, and the Department may make a vesting order.

(3) Section 97 of, and Schedule 6 to, the Local Government Act (Northern Ireland) 1972 shall apply for the purposes of the acquisition of land by means of a vesting order made under this section in the same manner as it applies to the acquisition of land by means of a vesting order made under that Act subject to the following modifications—

(a) for section 97(1) and (2) of that Act there shall be substituted the following subsection—

"(1) A vesting order shall vest land to which it relates in the Holding Company in accordance with, and subject to, Schedule 6." ;and

(b) in Schedule 6 to that Act—

(i) any reference to a council or the council shall be construed as a reference to the Holding Company and any reference to the clerk of the council shall be construed as a reference to the secretary of the Holding Company;

(ii) any reference to that Act shall be construed as a reference to this Act;

(iii) any reference to the Department shall be construed as a reference to the Department within the meaning of this Act;

(iv) any reference to the Compensation Fund shall be construed as a reference to the revenues of the Holding Company;

(v) paragraph 20(2) shall be omitted.