Status: *This version of this Order contains provisions that are prospective.*
Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Road Traffic (Northern Ireland) Order 1981. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY INSTRUMENTS

1981 No. 154 (N.I. 1)

Road Traffic (Northern Ireland) Order 1981

- - - - - - *10th February 1981*

Modifications etc. (not altering text)

C1 Order: transfer of functions (8.5.2016) by The Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016/76), art. 1(2), **Sch. 5 Pt. 2** (with art. 9(2))

C2 Order applied (23.11.2009) by Taxis Act (Northern Ireland) 2008 (c. 4), **ss. 54(4)(5)**, 59; S.R. 2009/352, **art. 2**, Sch.

PART I

INTRODUCTORY

Title and commencement

1.—(1) This Order may be cited as the Road Traffic (Northern Ireland) Order 1981.

(2) Subject to paragraph (3), this Order shall come into operation on the expiration of the period of one month from the date on which it is made.

Para. (3) rep. by 1996 NI 10

(4) The Head of the Department may by order appoint a day for the purposes of Article 93(1).

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—

[[F1]"AETR" means the European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport of 1st July 1970 (as applied by Article 2(3) of the Community Drivers' Hours Regulation);**]**

[[F2]"applicable Community rules" means—

(a) the Community Drivers' Hours Regulation, including the AETR; and

(b) the EU Tachographs Regulation;**]**

"appointed day" means, in relation to any provision of this Order, the day appointed under Article 1 for the purposes of that provision;

Definition rep. by 1997 NI 2

"carriage of goods" includes the haulage of goods;

"certificate of insurance" has the meaning assigned to it by Article 92(4);

[F3"the Community Drivers' Hours Regulation" means Regulation No (EC) 561/2006 of the European Parliament and of the Council as amended from time to time;**]**

[F4"Community licence" has the meaning assigned to it by Article 19D;**]**

"constable" does not include a member of the Naval, Military or Royal Air Force Police;

"Department" means the Department of the Environment;

Definition rep. by 1997 NI 2

"domestic drivers' hours code" has the meaning given by Article 56(6);

Definition rep. by 1995 NI 18

"driving licence" means a licence to drive a motor vehicle granted under **[**F5 Part II**]**;

"dual purpose vehicle" means a vehicle constructed or adapted for the carriage both of passengers and of goods or burden of any description, being a vehicle of which the unladen weight does not exceed 2040 kilograms, and which either—

(i) is so constructed or adapted that the driving power of the engine is, or by the appropriate use of the controls of the vehicle can be, transmitted to all the wheels of the vehicle, or

(ii) satisfies the following conditions as to construction, namely—

(a) the vehicle must be permanently fitted with a rigid roof, with or without a sliding panel;

(b) the area of the vehicle to the rear of the driver's seat must—

(i) be permanently fitted with at least one row of transverse seats (fixed or folding) for two or more passengers and those seats must be properly sprung or cushioned and provided with upholstered back-rests, attached either to the seats or to a side or the floor of the vehicle; and

(ii) be lit on each side and at the rear by a window or windows of glass or other transparent material having an area or aggregate area of not less than 1850 square centimetres on each side and not less than 770 square centimetres at the rear;

(c) the distance between the rearmost part of the steering wheel and the back-rests of the row of transverse seats satisfying the requirements specified in head (*b*)(i) (or, if there is more than one such row of seats, the distance between the rearmost part of the steering wheel and the back-rests of the rearmost such row) must, when the seats are ready for use, be not less than one-third of the distance between the rearmost part of the steering wheel and the rearmost part of the floor of the vehicle;

"enactment" includes any order, regulation, rule, bye-law or other instrument made under a statutory provision;

[F6"EU Tachographs Regulation" means Regulation (EU) No. 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, as amended from time to time;**]**

"goods" includes goods or burden of any description;

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

"goods vehicle certificate" means a certificate granted under Article 54;

"heavy locomotive" has the meaning assigned to it by Article 37(1)(*a*);

"heavy motor car" has the meaning assigned to it by Article 37(1)(*d*);

"hours of darkness" means the time between half an hour after sunset and half an hour before sunrise;

"hovercraft" has the meaning given in section 4(1) of the Hovercraft Act 1968 ;

[F7"inspector of vehicles" shall be construed in accordance with paragraph (4) of Article 74 of the Order of 1995 (appointment of vehicle examiners);**]**

Definition rep. by 1995 NI 18

"lamp" includes a tail light;

"light locomotive" has the meaning assigned to it by Article 37(1)(*b*);

"motor car" has the meaning assigned to it by Article 37(1)(*e*);

"motor cycle" has the meaning assigned to it by Article 37(1)(*f*);

"motor tractor" has the meaning assigned to it by Article 37(1)(*c*);

"motor vehicle" means 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;

"obligatory headlamps" means the lamps referred to in Article 38(2);

[F8"the Offenders Order" means the Road Traffic Offenders (Northern Ireland) Order 1996;**]**

[F7"the Order of 1995" means the Road Traffic (Northern Ireland) Order 1995;**]**

[F9"the Order of 2007" means the Road Traffic (Northern Ireland) Order 2007;**]**

Definition rep. by 1995 NI 18

Definition rep. by 1997 NI 2

"parking place" means a place where vehicles or vehicles of any particular class or description may wait;

Definition rep. by 1995 NI 18

"prescribed" means prescribed by regulations;

[F5"provisional licence" has the meaning given in Article 19D(1);**]**

Definition rep. by 1997 NI 2

"public service vehicle" means a motor vehicle or a trolley vehicle used in standing or plying for hire, or used to carry passengers for hire, but does not include any vehicle in respect of which a certificate of exemption in the prescribed form has been issued by the Department **[**F10any motor vehicle exempted from licensing requirements by virtue of section 10A of the Transport Act (Northern Ireland) 1967**][**F11 or any vehicle to which Article 66A (car-sharing arrangements) applies**]**;

"rear lamps" means the lamps referred to in Article 38(1)(*b*);

Definition rep. by 1996 NI 10

F12...

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

[F7"the Road Traffic Orders" means this Order F13. . . the Order of 1995 F14**[**F13. . . the Road Traffic Regulation (Northern Ireland) Order 1997**]**F15**[**F16. . . the Order of 2007**][**F17and the Taxis Act (Northern Ireland) 2008**];]**

"side lamps" means the lamps referred to in Article 38(1)(*a*);

Definition rep. by 1991 NI 3

"statutory provision" has the meaning assigned to it by section 1(*f*) of the Interpretation Act (Northern Ireland) 1954 ;

"tail light" means, in relation to any vehicle, any lamp carried attached to the vehicle for the purpose of showing a red light to the rear in accordance with this Order and any regulations made under this Order;

[[F5]"the test" means the test of competence to drive prescribed by virtue of Article 5(3);**]**

"traffic" includes the passage of animals on a road;

[[F18]"transport undertaking" has the meaning given in the Community Drivers' Hours Regulation;**]**

Definition rep. by 1997 NI 2

"trailer" means a vehicle drawn by a motor vehicle;

Definition rep. by 1995 NI 18

"trunk road" has the meaning given in Article 2(2) of the Roads (Northern Ireland) Order **[**[F19]1993**]**;

"vehicle" includes a [F7]. . . cycle and a trailer.

[[F7](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.**]**

Para. (3) rep. by 1995 NI 18

[[F20](3A) For the purposes of this Order—

(a) a trailer with an unladen weight exceeding 1,020 kilograms; or

(b) any other vehicle with an unladen weight exceeding 1,525 kilograms,

shall be taken to be a vehicle with a permissable maximum weight exceeding 3,500 kilograms.**]**

(4) Any reference in this Order to a class of motor vehicle shall include a reference to a subdivision of such a class.

(5) For the purposes of section 42(2) of the Northern Ireland Constitution Act 1973 (validity of Acts of the Parliament of Northern Ireland), provisions of this Order which re-enact provisions of an Act of the Parliament of Northern Ireland shall be deemed to be provisions of such an Act.

(6) Provisions of this Order which re-enact provisions of orders or regulations made under any statutory provision shall have no greater effect by virtue of their re-enactment.

F1 Words in art. 2(2) inserted (11.3.2019) by The Drivers Hours and Tachographs (Amendment) Regulations (Northern Ireland) 2019 (S.R. 2019/12), regs. 1(2), **3**

F2 Words in art. 2(2) substituted (31.12.2020) by The Drivers Hours and Tachographs (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/596), regs. 1(3), **3(a)**; 2020 c. 1, Sch. 5 para. 1(1)

F3 Art. 2(2): definition of "the Community Drivers' Hours Regulation" inserted (23.4.2009) by Community Drivers' Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations (Northern Ireland) 2009 (S.R. 2009/91), **reg. 6(2)(b)**

F4 Art. 2(2): definition of "Community licence" substituted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts.1(3)(4), 86(1), **Sch. 7 para. 1(a)**; S.R. 2007/454, **art. 2**, Sch.

F5 1991 NI 3

F6 Words in art. 2(2) inserted (31.12.2020) by The Drivers Hours and Tachographs (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/596), regs. 1(3), **3(c)**; 2020 c. 1, Sch. 5 para. 1(1)

F7 1995 NI 18

F8 1996 NI 10

F9 Art. 2(2): definition of "the Order of 2007" inserted (27.6.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts.1(3)(4), 86(1), **Sch. 7 para. 1(b)**; S.R. 2007/302, **art. 2**, Sch.
F10 1990 NI 7
F11 1981 NI 24
F12 Words in art. 2(2) omitted (31.12.2020) by virtue of The Drivers Hours and Tachographs (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/596), regs. 1(3), **3(b)**; 2020 c. 1, Sch. 5 para. 1(1)
F13 1997 NI 2
F14 Art. 2(2): word in definition of "the Road Traffic Orders" omitted (27.6.2007) by virtue of Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts.1(3)(4), 86(1), **Sch. 7 para. 1(c)(i)**; S.R. 2007/302, **art. 2**, Sch.
F15 Word in art. 2(2) in definition of "the Road Traffic Orders" omitted (23.11.2009) by virtue of Taxis Act (Northern Ireland) 2008 (c. 4), ss. 58(1), 59, **Sch. 2 para. 1(a)**; S.R. 2009/352, **art. 2**, Sch.
F16 Art. 2(2): words in definition of "the Road Traffic Orders" inserted (27.6.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts.1(3)(4), 86(1), **Sch. 7 para. 1(c)(ii)**; S.R. 2007/302, **art. 2**, Sch.
F17 Words in art. 2(2) in definition of "the Road Traffic Orders" added (23.11.2009) by Taxis Act (Northern Ireland) 2008 (c. 4), ss. 58(1), 59, **Sch. 2 para. 1(b)**; S.R. 2009/352, **art. 2**, Sch.
F18 Art. 2(2): definition of "transport undertaking" inserted (30.4.2010) by Passenger and Goods Vehicles (Recording Equipment) (Downloading and Retention of Data) Regulations (Northern Ireland) 2010 (S.R. 2010/23), **reg. 8(2)**
F19 1993 NI 15
F20 SR 1990/224

PART II

GENERAL PROVISIONS RELATING TO LICENSING OF DRIVERS OF VEHICLES

Requirement to hold licence

Drivers of motor vehicles to have driving licences

3.—(1) It is an offence under this Order for a person to drive on a road a motor vehicle of any class **[**[F21]otherwise than in accordance with**]** a licence authorising him to drive a motor vehicle of that class.

(2) It is an offence under this Order for a person to cause or permit another person to drive on a road a motor vehicle of any class **[**[F22]otherwise than in accordance with a licence authorising that other person**]** to drive a motor vehicle of that class.

(3) [F23] . . . . . .

F21 Words in art. 3(1) substituted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts.1(3)(4), **30(a)**; S.R. 2007/454, **art. 2**, Sch.
F22 Words in art. 3(2) substituted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts.1(3)(4), **30(b)**; S.R. 2007/454, **art. 2**, Sch.
F23 Art. 3(3) repealed (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts.1(3)(4), 86(2), **Sch. 8 Pt. I**; S.R. 2007/454, **art. 2**, Sch.