
STATUTORY RULES OF NORTHERN IRELAND

1999 No. 410

ROAD TRAFFIC AND VEHICLES

Road Traffic (Traffic Wardens) Order (Northern Ireland) 1999

To be laid before Parliament under paragraph 3(3) of Schedule 1 to the Northern Ireland Act 1974

Made - - - - 4th October 1999

Coming into operation 15th November 1999

The Department of the Environment in exercise of the powers conferred on it by Article 44 of the Road Traffic Regulation (Northern Ireland) Order 1997⁽¹⁾ and of every other power enabling it in that behalf, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Road Traffic (Traffic Wardens) Order (Northern Ireland) 1999 and shall come into operation on 15th November 1999.

(2) In this Order—

“the Order of 1996” means the Road Traffic Offenders (Northern Ireland) Order 1996⁽²⁾; and

“the Order of 1997” means the Road Traffic Regulation (Northern Ireland) Order 1997.

Functions of traffic wardens

2.—(1) The functions set out in the Schedule are hereby specified for the purpose of Article 44(1) of the Order of 1997.

(2) For the purpose of the discharge by traffic wardens of the functions set out in the Schedule, references to a constable or a constable in uniform in Articles 177, 179, 180(1) to (3A), (4AB) and (7) of the Order of 1981⁽³⁾, Articles 49 and 50 of the Order of 1995⁽⁴⁾, Articles 47, 48 (in so far as it applies to vehicles to which Article 47(1) applies) and 57 of the Order of 1997 shall include references to a traffic warden.

(3) For the purpose of the discharge by traffic wardens of the functions set out in the Schedule, any power of a constable for the purposes of Article 177 (in so far as it applies to the furnishing of names and addresses), Article 179 (identification of pedestrians), Article 180(2) to (3A) of the

(1) S.I.1997/276 (N.I. 2); see Article 2(2) for the definition of “the Department”

(2) S.I. 1996/1320 (N.I. 10)

(3) Article 177 was amended by Schedule 3 to S.I. 1996/1320 (N.I. 10) and Schedule 8 to S.I. 1997/276 (N.I. 2); Article 179 was amended by Schedule 3 to S.I. 1995/2994 (N.I. 18); Article 180 was amended by Schedule 3 to S.I. 1995/2994 (N.I. 18) and Schedule 3 to S.I. 1996/1320 (N.I. 10)

(4) Articles 49 and 50 were substituted by Schedule 8 to S.I. 1997/276 (N.I. 2)

Order of 1981 (examination of licences and requirement to state date of birth) and Article 57 of the Order of 1997 (enforcement powers with regard to disabled person's badge) shall be exercisable by a traffic warden if the traffic warden has reasonable cause to believe that there has been committed—

- (a) in respect of Article 177 of the Order of 1981 an offence under the following provisions and the use of the power in Article 177 in relation to these offences is hereby authorised—
- (i) Article 180(1) of the Order of 1981 (failure to stop when so required);
 - (ii) section 33(1) of the Vehicle Excise and Registration Act 1994⁽⁵⁾ (not exhibiting licence);
 - (iii) Article 32 of the Order of 1995⁽⁶⁾ (leaving vehicles in dangerous positions);
 - (iv) Article 49 of the Order of 1995 (contravention of directions);
 - (v) Article 50 of the Order of 1995 (contravention of traffic signs);
 - (vi) Article 58 of the Order of 1995 (breach of construction and use requirements with respect to lighting equipment and reflectors);
 - (vii) Article 4 of the Order of 1997 (contravention of traffic regulation order);
 - (viii) Article 5 of the Order of 1997 (contravention of experimental traffic control scheme);
 - (ix) Article 7 of the Order of 1997 (contravention of temporary prohibition or restriction);
 - (x) Article 14(1) of the Order of 1997 (contravention of order as to use of parking place);
 - (xi) Article 19(1) of the Order of 1997 (certain contraventions of order relating to designated parking place by driver);
 - (xii) Article 19(3) of the Order of 1997 (other contraventions of order relating to designated parking place by driver or person);
 - (xiii) Article 56 of the Order of 1997 (wrongful use of disabled person's badge); and
 - (xiv) Article 59 of the Order of 1997 (with respect to causing a vehicle, or any part of it, to stop in contravention of regulations relating to pedestrian crossings);
- (b) in respect of Article 179 of the Order of 1981 an offence under—
- (i) Article 49 (contravention of directions) of the Order of 1995; or
 - (ii) Article 50 (contravention of traffic signs) of the Order of 1995;
- (c) in respect of Article 180(2), (3) and (3A) of the Order of 1981 an offence under—
- (i) Article 32 of the Order of 1995 (leaving vehicles in dangerous positions); or
 - (ii) Article 59 of the Order of 1997 (with respect to causing a vehicle, or any part of it, to stop in contravention of regulations relating to pedestrian crossings);
- (d) in respect of Article 57 of the Order of 1997 an offence—
- (i) in contravention of any provision of an order under the Order of 1997 relating to the parking of motor vehicles; or
 - (ii) under Article 56 of the Order of 1997 (wrongful use of disabled person's badge).

Revocation

3. The Road Traffic (Traffic Wardens) Order (Northern Ireland) 1976⁽⁷⁾ is hereby revoked.

⁽⁵⁾ 1994 c. 22

⁽⁶⁾ Article 32 was amended by Schedule 3 to S.I. 1996/1320 (N.I. 10)

⁽⁷⁾ S.R. 1976 No. 45

Sealed with the Official Seal of the Department of the Environment on

L.S.

4th October 1999.

J. Carlisle
Assistant Secretary

Schedule

Article 2

Functions of Traffic Wardens

- 1.—(1) Traffic wardens may be employed to enforce the law with respect to an offence—
- (a) committed under Article 180(1) of the Order of 1981 (failure to stop when so required);
 - (b) committed under section 33(1) of the Vehicle Excise and Registration Act 1994 (not exhibiting licence);
 - (c) committed under Article 32 (leaving vehicles in dangerous positions), Article 49 (contravention of directions), Article 50 (contravention of traffic signs) or Article 58 (breach of construction and use requirements with respect to lighting equipment and reflectors) of the Order of 1995; and
 - (d) committed under Article 4 (contravention of traffic regulation order), Article 5 (contravention of experimental traffic control scheme), Article 7 (contravention of temporary prohibition or restriction), Article 14(1) (contravention of order as to use of parking place), Article 19(1) (certain contraventions of order relating to designated parking place by driver) or Article 19(3) (other contraventions of order relating to designated parking place by driver or person), Article 56 (wrongful use of disabled person’s badge) or Article 59 (with respect to causing a vehicle, or any part of it, to stop in contravention of regulations relating to pedestrian crossings) of the Order of 1997.

(2) For the purpose of the enforcement of the law with respect to such of the offences described in sub-paragraph (1) as are fixed penalty offences within the meaning of Article 57(1) of the Order of 1996, traffic wardens may discharge the functions conferred on constables by Part IV of the Order of 1996.

2. Traffic wardens may be employed as parking attendants at parking places on roads.

3. Traffic wardens may discharge the functions of a constable referred to in Articles 47 and 48 (in so far as it applies to vehicles to which Article 47(1) applies) of the Order of 1997.

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order revokes and re-enacts with amendments the Road Traffic (Traffic Wardens) Order (Northern Ireland) 1976. The principal amendments are—

(1) A traffic warden is now empowered in prescribed circumstances to ascertain from a driver his date of birth;

(2) Where there is displayed on a motor vehicle a badge which appears to be or purports to be of a form prescribed under section 14(1) of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978, a traffic warden may require the driver of the motor vehicle or any person in it to produce the badge for inspection;

(3) A traffic warden may require the owner, driver or other person in certain circumstances to remove a vehicle to another position on a road or to another road or to a place which is not a road. Alternatively the traffic warden may remove the vehicle himself; and

(4) A traffic warden may enforce the law with respect to offences of causing a vehicle, or any part of it, to stop in contravention of regulations relating to pedestrian crossings or leaving a vehicle in a dangerous position.

Article 44 of the Road Traffic Regulation (Northern Ireland) Order 1997 is subject to Article 90(1) of the Road Traffic Offenders (Northern Ireland) Order 1996. An order under Article 44 may not authorise the employment of a traffic warden in relation to fixed penalty offences if the offence appears to the traffic warden to be an offence involving obligatory endorsement unless the offence was committed whilst the vehicle concerned was stationary.