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STATUTORY INSTRUMENTS

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**2005 No. 1964**

**The Traffic Management (Northern Ireland) Order 2005**

*Penalty charges*

**Prescribed devices: admissibility of evidence**

**8.—(1)** Evidence of a fact relevant to proceedings to which this Article applies may be given by the production of—

- (a) a record produced by a prescribed device; and
- (b) (in the same or another document) a certificate as to the circumstances in which the record was produced signed by a person authorised by the [<sup>F1</sup>enforcement authority] ;

but subject to the following provisions of this Article.

(2) Subject to paragraph (8), this Article applies to—

- (a) proceedings before an adjudicator relating to a contravention specified in Schedule 1; and
- (b) proceedings for an offence which consists of such a contravention.

(3) A record produced by a prescribed device shall not be admissible as evidence of a fact relevant to proceedings to which this Article applies unless—

- (a) the device is of a type approved by the Department; and
- (b) any conditions subject to which the approval was given are satisfied.

(4) Any approval given by the Department for the purposes of this Article may be given subject to conditions as to the purposes for which, and the manner and other circumstances in which, any device of the type concerned is to be used.

(5) In proceedings to which this Article applies, evidence that a device was of a type approved for the purposes of this Article, or that any conditions subject to which an approval was given were satisfied, may be given by the production of a document which—

- (a) is signed as mentioned in paragraph (1), and
- (b) states that the device was of such a type or that, to the best of the knowledge and belief of the person making the statement, all such conditions were satisfied.

(6) For the purposes of this Article a document purporting to be—

- (a) a record of the kind mentioned in paragraph (1), or
- (b) a certificate or other document signed as mentioned in that paragraph or in paragraph (5),

shall be deemed to be such a record, or to be so signed, unless the contrary is proved.

(7) Nothing in paragraph (1) or (5) makes a document admissible as evidence in proceedings for an offence unless a copy of it has, not less than 7 days before the hearing or trial, been served on the person charged with the offence; and nothing in those paragraphs makes a document admissible as evidence of anything other than the matters shown on a record produced by a prescribed device if that person, not less than 3 days before the hearing or trial or within such further time as the court may in special circumstances allow, serves a notice on the complainant requiring attendance at the hearing or trial of the person who signed the document.

(8) Paragraph (7) does not apply in relation to proceedings before an adjudicator.

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**Changes to legislation:** There are currently no known outstanding effects for the The Traffic Management (Northern Ireland) Order 2005, Section 8. (See end of Document for details)

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**F1** Words in arts. 5-28 (except arts. 8(3)(4), 18(6), 21(8), 24(1)) substituted (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), art. 1(8), **Sch. para. 8**

**Modifications etc. (not altering text)**

**C1** Arts. 3-28: transfer of functions (1.4.2015) by Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), **arts. 1(3)(8)** (with art. 1(5))

**Changes to legislation:**

There are currently no known outstanding effects for the The Traffic Management (Northern Ireland) Order 2005, Section 8.