

Road Traffic (Speed Limits) Bill

[AS INTRODUCED]

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Schedule

Consequential amendments

A

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TO

Set a maximum speed limit on residential roads of 20 miles per hour.

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows:

Speed limit on residential roads

1. In Part VI of the Road Traffic Regulation (Northern Ireland) Order 1997 (speed limits) after Article 37 insert—

“General speed limit on residential roads

5 37A.—(1) Subject to the provisions of this Part, it shall not be lawful for any person to drive a motor vehicle on a residential road at a speed exceeding 20 miles per hour.

(2) The Department may by order provide that at times, on days or during periods specified in the order, paragraph (1) shall not apply—

- 10 (a) as respects any length of road specified in the order; or
 (b) generally.

Residential roads

37B.—(1) Subject to the provisions of this Article and Article 38(3), a length of road shall for the purposes of this Order be a residential road—

- 15 (a) if—
 (i) a system of street lighting furnished by means of lamps placed not more than 185 metres apart is provided on that length of road (not being a special road); and
 (ii) the road of which the length of road is part has not been
20 classified under Article 13 of the Roads (Northern Ireland) Order 1993 (classification of roads); or
 (b) if there is in force in relation to that length of road an order under paragraph (3)(a).

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(2) The points at which any length of road begins and ceases to be a residential road—

(a) as respects such a residential road as is referred to in paragraph (1) (a), shall be such points, distant not more than 185 metres from the first and last respectively of the lamps by means of which the system of lighting is furnished, as may be indicated by traffic signs;

(b) as respects such a residential road as is referred to in paragraph (1) (b), shall be such points as shall be designated in the relevant order.

(3) The Department may by order direct that any length of road specified in the order—

(a) shall be a residential road; or

(b) shall, notwithstanding paragraph (1)(a), not be a residential road.

(4) In determining whether or not to make an order under paragraph (3) the Department shall take into account whether the length of road—

(a) is in a predominantly residential area;

(b) is part of a major thoroughfare.

(5) The powers conferred by sub-paragraphs (a) and (b) of paragraph (3) are exercisable in respect of any length of road which is already a residential road by virtue of sub-paragraph (a) or (b) of paragraph (1).”.

Publicity

2. The Department for Regional Development must, before the day on which section 1 comes into operation, take such steps as in its opinion are appropriate to publicise—

(a) the nature of residential roads,

(b) the speed limit on residential roads, and

(c) the procedure for directing that a length of road is not a residential road.

Consequential amendments

3. The Schedule (which makes consequential amendments) has effect.

Power to make supplementary and consequential provision

4.—(1) The Department for Regional Development may by order make such supplementary, incidental or consequential provision as it considers necessary or expedient to give effect to this Act.

(2) An order under this section may amend, modify or repeal any provision of the Road Traffic Regulation (Northern Ireland) Order 1997.

(3) An order which does so must not be made unless a draft of the order has been laid before and approved by a resolution of the Assembly.

(4) Any other order under this section is subject to negative resolution.

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Power to make transitional provision

5.—(1) The Department for Regional Development may by order make such transitional provisions and savings as it considers appropriate in connection with the coming into operation of this Act.

5 (2) An order under this section is subject to negative resolution.

Exercise of power before commencement

10 6. The power in Article 37B(3)(b) of the Road Traffic Regulation (Northern Ireland) Order 1997 (as inserted by this Act) may be exercised at any time after the making of this Act, if the Department for Regional Development thinks it appropriate to do so, for the purpose of securing that the speed limit on a length of road remains the same before and after this Act comes into operation.

Commencement

7.—(1) Sections 2 and 6 of this Act come into operation at the end of the period of 3 months after the date of Royal Assent.

15 (2) The remaining provisions of this Act come into operation at the end of the period of 2 years after the date of Royal Assent.

Short title

8. This Act may be cited as the Road Traffic (Speed Limits) Act (Northern Ireland) 2013.

SCHEDULE

Section 3

CONSEQUENTIAL AMENDMENTS

Statutory Rules (Northern Ireland) Order 1979

- 5 1. In Schedule 3 to the Statutory Rules (Northern Ireland) Order 1979 (statutory rules exempted from requirement as to printing and sale), in paragraph 7A after “37” insert “37A(2)(a), 37B,”.

Road Traffic (Northern Ireland) Order 1995

- 10 2. Article 24A of the Road Traffic (Northern Ireland) Order 1995 (requirement to notify bus passengers to wear seat belts) is amended as follows—
- (a) in paragraph (5) for “of restricted roads” substitute “of either restricted roads or residential roads”;
- (b) in paragraph (6) at the appropriate point in alphabetical order insert—
- 15 ““residential road” means a road that is a residential road for the purposes of Article 37A of the Road Traffic Regulation (Northern Ireland) Order 1997 (other than a road which is a residential road by an order made under Article 37B(3)(a) of that Order) or would be a residential road but for an order under Article 37B(3)(b) or an order under Article 38(1)(a) of that Order.”

20 *Road Traffic Regulation (Northern Ireland) Order 1997*

3. The Road Traffic Regulation (Northern Ireland) Order 1997 is amended as follows.
4. In Article 36(4) (application of Schedule 5) for “Articles 37 and 38” substitute “Articles 37, 37A, 37B and 38”.
- 25 5. After Article 37(1) (restricted roads) insert—
- “(1B) But a road is not a restricted road if it is a residential road by virtue of Article 37B.”.
6. In Article 38 (speed limits on roads other than restricted roads)—
- (a) in the title, at the end add “or residential roads”,
- 30 (b) in paragraph (3) after “shall not be a restricted road” insert “nor a residential road”.
7. In Article 43 (contravening speed limit)—
- (a) After paragraph (2) insert—
- 35 “(2A) Where a residential road leads directly into or out of a non-residential road which is a public road, it shall be a good defence for any person charged with an offence under this Article for exceeding the speed limit applicable to the residential road to prove that the person entered on

the residential road from the non-residential road and that at the time when the person did so adequate guidance was not given by means of traffic signs required to be erected under Article 41 as to the place where the residential road began.”,

5 (b) in paragraph (4) after “Article 36” insert “or 37A”,

(c) after paragraph (4) insert—

10 “(4A) In any proceedings for an offence committed in contravention of Article 37A a certificate of an officer of the Department stating that a road was not classified under Article 13 of the Roads (Northern Ireland) Order 1993 (classification of roads) at the time when the offence is alleged to have been committed shall be evidence of the fact certified, and a document purporting to be such a certificate and to be signed by such an officer shall be deemed to be such a certificate unless the contrary is shown.”.

15 8. In Article 74(4) (regulations and orders) after “Article 36(3)(b)” insert “, 37A(2)(b)”.

9. In Schedule 5 (orders under Article 36(3)(a), 37 or 38)—

(a) in the title; and

(b) in paragraphs 1, 4, 5 and 6,

20 after “37” in each place that it occurs, insert “37A(2)(a), 37B”.