Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015

2015 CHAPTER 3

An Act to transfer to district councils certain functions in relation to off-street parking places; and for connected purposes.   [12th March 2015]

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

Transfer to district councils of functions in relation to off-street parking places

1.—(1)   Subject to subsection (2), the functions which are exercisable immediately before the commencement of this section by the Department under Articles 10 to 14 and 25 to 27 of the 1997 Order in relation to off-street parking places situated in the district of a district council are transferred to that council.

(2) Subsection (1) does not apply to—

(a) functions in relation to off-street parking places operated as "park and ride" or "park and share" parking places;

(b) functions concerning the making of regulations.

(3) Subject to subsection (5), the functions which are exercisable immediately before the commencement of this section by the Department under Articles 3 to 28 of the 2005 Order so far as relating to relevant contraventions which occur in relation to off-street parking places situated in the district of a council are transferred to that council.

(4)   In subsection (3) "relevant contravention" means a contravention of Article 14(1) of the 1997 Order to which Schedule 1 to the 2005 Order applies.

(5)   Subsection (3) does not apply to—

  (a) functions relating to contraventions which occur in relation to off-street parking places operated as "park and ride" or "park and share" parking places;

  (b) functions concerning the making of regulations.

(6)   The Schedule contains amendments to the 1997 Order and the 2005 Order to give effect to the transfer of functions under this section.

(7)   In this section—

  "the 1997 Order" means the Road Traffic Regulation (Northern Ireland) Order 1997;

  "the 2005 Order" means the Traffic Management (Northern Ireland) Order 2005;

  "the Department" means the Department for Regional Development;

  "off-street parking place" has the meaning given in Article 2(2) of the Road Traffic Regulation (Northern Ireland) Order 1997.

(8)   This Act comes into operation on 1st April 2015.

(9)   This Act may be cited as the Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015.

SCHEDULE

AMENDMENTS

The Road Traffic Regulation (Northern Ireland) Order 1997 (NI 2)

1 At the beginning of Part 4 insert the following Article—

"Parking places: introductory

9A In this Part "the parking authority" means—

(a) in relation to off-street parking places operated as "park and ride" or "park and share" parking places, the Department;

(b) in relation to any other off-street parking places, the district council for the district in which the parking places are situated;

(c) in relation to parking places on roads, the Department.".

2.—(1) Subject to sub-paragraph (2), in Articles 10 to 14 for "Department" (wherever it occurs) substitute " parking authority ".

(2) Sub-paragraph (1) does not apply to—

(a) Article 10(4) and (6); and

(b) Article 13(8).

3.—(1) Article 10 is amended as follows.

(2) After paragraph (2) insert—

"(2A) A district council may acquire by agreement or compulsorily anyland required for the purposes of providing parking places under this Article.".

(3) In paragraph (3) after "acquire" insert " under paragraph (2A) (in the case of a district council) or (in the case of the Department) ".

(4) In paragraph (9) after "roads" insert " (in the case of the Department) ".

4 In Articles 25, 26 and 27 for "Department" (wherever it occurs) substitute " parking authority ".

(5) In Schedule 4, at the end insert—

"**8** Paragraphs 1 to 7 apply in relation to orders under Article 13 made by a district council as they apply in relation to orders under that Article made by the Department, but with the substitution for references to the Department of references to the council.".