STATUTORY RULES OF NORTHERN IRELAND

2017 No. 206

ROAD TRAFFIC AND VEHICLES

The On-Street Parking (Residents Parking Zone – Rugby Road / College Park Avenue Area, Belfast) Order (Northern Ireland) 2017

Made - - - -	*3rd October 2017*
Coming into operation -	*30th October 2017*

The Department for Infrastructure(**a**) makes the following Order in exercise of the powers conferred on it by Articles 4(1), (2) and (3), 15, 16, 17, 18(3) and 21 of, and paragraph 5 of Schedules 1 and 4 to, the Road Traffic Regulation (Northern Ireland) Order 1997(**b**) and now vested in it(**c**).

The Department in exercise of the power conferred on it by Article 15(1) of that Order designates the parking places specified in Schedule 2 to this Order as a controlled parking zone.

The Department in compliance with Article 15(2) and (3) of the Road Traffic Regulation (Northern Ireland) Order 1997 has considered both the interests of traffic and those of the owners and occupiers of adjoining property.

The Department has consulted such persons as the Department considered appropriate in compliance with paragraphs 1 and 2 of Schedule 4 to that Order.

The Department has published a notice in compliance with paragraphs 1 and 3 of that Schedule.

The Department in compliance with paragraph 3(4) of that Schedule has taken such other steps as appear to it reasonably practicable for the purpose of bringing specifically to the knowledge of the occupiers of land adjacent to the parking places the particulars specified in paragraph 3(2) of that Schedule.

Thirteen written objections have been received and duly considered. Two of the objections have subsequently been withdrawn. Twenty-seven representations in support have been received.

The Department has modified the draft Order.

(**a**) 2016 c. 5 (N.I.)
(**b**) S.I. 1997/276 (N.I. 2)
(**c**) S.R. 1999 No. 481 Article 6(*d*) and Schedule 4 Part IV

Citation, commencement and interpretation

1.—(1) This Order may be cited as The On-Street Parking (Residents Parking Zone – Rugby Road / College Park Avenue Area, Belfast) Order (Northern Ireland) 2017 and shall come into operation on 30th October 2017.

(2) In this Order—

"bus" means a motor vehicle constructed or adapted to carry more than 8 passengers (exclusive of the driver);

"controlled parking zone" means an area in which all roads have been marked, except where parking places have been authorised under Articles 10 and 13 of the Regulation Order or designated under Article 7 of this Order, with one or more of the road markings shown in diagram 1017 to 1020.1 of the Traffic Signs Regulations (Northern Ireland) 1997(**a**), the entrance for vehicular traffic into the area being indicated by a sign shown in diagram 663 of those regulations;

"disabled person's badge" means—

(a) a badge issued, or having effect as if issued, under section 14 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978 (c. 53); or

(b) a recognised badge within the meaning given by section 14A of that Act;

"disabled person's vehicle" means a vehicle lawfully displaying a disabled person's badge;

"electric vehicle" means any vehicle which uses one or more electric motors for propulsion;

"light goods vehicle" means a motor vehicle constructed or adapted for use for the carriage of goods the permissible maximum weight of which does not exceed 3.5 tonnes;

"medical practitioner" means a registered person within the meaning of the Medical Act 1983(**b**);

"motor car" means a mechanically propelled vehicle constructed solely for the carriage of passengers and their effects seating not more than 6 persons in addition to the driver;

"motor cycle" means a mechanically propelled vehicle having fewer than 4 wheels and the weight of which unladen does not exceed 410 kilograms;

"parking place" means the roads or lengths of road within a controlled parking zone designated as parking places under Article 7 and more particularly delineated on map titled RPE02 Rugby Road / College Park Avenue Area, Belfast prepared by the Department under Article 36 of the Traffic Management (Northern Ireland) Order 2005(**c**) for the purposes of this Order;

"parking space" means a space which is marked out in a parking place for the leaving of a vehicle;

"pay and display machine" means an apparatus designed to issue a ticket indicating the day and time at which it was issued and the number of hours for which it is valid or the date and time at which the vehicle ought to leave the parking place;

"permit" means a permit issued in accordance with the permit scheme set out in Schedule 1 to this Order;

"permit scheme" means a scheme for residents parking set out in Schedule 1 to this Order;

"permitted vehicle" means a motor car, light goods vehicle, motor cycle or electric vehicle;

"postal packet" means a letter, parcel, packet or other article transmissible by post as defined in section 125 of the Postal Services Act 2000(**d**);

"residents parking zone" means an area within a controlled parking zone where a vehicle may be parked in a parking place with a permit;

(**a**) S.R. 1997 No. 386
(**b**) 1983 c. 54
(**c**) S.I. 2005/1964 (N.I. 14)
(**d**) 2000 c. 26

"specified hours" means the hours between 08.00 a.m. and 06.00 p.m. on the days Monday to Friday inclusive, excluding Easter Monday and the 12th and 13th July (or days in lieu) and the 25th and 26th December (or days in lieu);

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

"universal service provider" has the same meaning as in section 4(3) and (4) of the Postal Services Act 2000; and

"wedding car" means a vehicle used as a bridal or attendant's vehicle at a wedding solely for the purposes of the wedding ceremony.

Application

2.—(1) The permit scheme set out in Schedule 1 shall have effect.

(2) This Order shall have effect as if map titled RPE02 Rugby Road / College Park Avenue Area, Belfast were part of the Order.

Control of parking in the controlled parking zone

3. Subject to Articles 4, 5, 6 and 12, a person shall not, except upon the direction or with the permission of a constable in uniform, cause or permit a vehicle to wait during the specified hours in the controlled parking zone unless it is within the limits of a parking place authorised under Articles 10 and 13 of the Regulation Order or designated under Article 7 of this Order.

Exceptions

4.—(1) Subject to Articles 5 and 6, nothing in Article 3, 9, 10 and 11 shall render it unlawful to cause or permit any vehicle to wait within the controlled parking zone during the specified hours for so long as may be reasonably necessary to enable—

(a) a person to board or alight from a vehicle provided that such boarding or alighting does not cause that vehicle to wait in the same place for more than 2 minutes;

(b) the vehicle to be used in an emergency by a medical practitioner, or for fire and rescue, ambulance, police or customs purposes or for the purposes of the security forces;

(c) the vehicle to be used by or on behalf of a universal service provider for the purposes of the delivery to, or collection from, premises situated adjacent to the controlled parking zone of postal packets;

(d) the vehicle, if it cannot conveniently be used for such purpose outside the controlled parking zone, to be used—

(i) in connection with the removal of any obstruction to traffic;

(ii) by or on behalf of a district council or a government department in pursuance of statutory powers or duties;

(iii) by or on behalf of a sewerage undertaker or a water undertaker in connection with the discharge of that undertaker's functions;

(iv) in connection with the discharge of the functions of the holder of a licence granted under Article 10 of the Electricity (Northern Ireland) Order 1992(**a**) or of a licence granted under Article 8 of the Gas (Northern Ireland) Order 1996(**b**);

(v) in connection with the laying, erection, alteration or repair of any electronic communications apparatus as defined in Schedule 2 to the Telecommunications Act 1984(**c**);

(**a**) S.I. 1992/231 (N.I. 1) as amended by S.I. 2003/419 (N.I. 6), S.R. 2007 No. 283, S.R. 2007 No. 284. S.R. 2007 No. 303, S.R. 2007 No. 320, S.R. 2007 No. 321, S.I. 2007/913 (N.I. 7) and S.R. 2011 No. 155

(**b**) S.I. 1996/275 (N.I. 2) as amended by S.R. 2006 No. 358, S.R. 2011 No. 155 and S.R. 2013 No. 92

(**c**) 1984 c. 12 as amended by 2003 c. 21 Sch. 3 para. 2(2)

(e) goods to be loaded or unloaded from the vehicle unless otherwise indicated by a traffic sign; or

(f) the vehicle to wait where the person in control of it is prevented from proceeding by circumstances beyond that person's control or to avoid an accident.

(2) For the purposes of paragraph (1)(a) a vehicle shall be deemed to wait in the same place for more than 2 minutes if any one part of the carriageway is below any part of the vehicle or its load (if any) throughout the period exceeding 2 minutes whether or not the vehicle is moved during that period.

5. Nothing in Article 10 shall render it unlawful to leave or cause a vehicle to be left in a parking place where the vehicle is being used in accordance with a permit.

6. Save for the purposes or circumstances set out in Article 4(1)(b), 4(1)(d) or 4(1)(f) a person shall not, during the specified hours within a controlled parking zone, cause or permit a vehicle—

(a) to wait in a road within such distance of its junction with any other road as may be indicated by the road markings shown in diagram 1018.1 of the Traffic Signs Regulations (Northern Ireland) 1997;

(b) other than a bus to wait within the limits of any bus stop as delineated by markings on the carriageway;

(c) to wait in such a position as to obstruct access to any premises;

(d) to wait in a carriageway except close to and alongside the edge thereof unless otherwise indicated by markings on the carriageway;

(e) other than a goods vehicle to wait within the limits of a loading bay authorised for use by goods vehicles under Articles 10 and 13 of the Regulation Order; or

(f) to wait within the limits of the parking place specified in Schedule 1 to The Parking Places, Loading Bay and Waiting Restrictions (Carmel Street and Rugby Road, Belfast) Order (Northern Ireland) 2017(**a**) for no longer than 10 minutes with no return to that parking place within one hour.

Designation of parking places in the controlled parking zone

7. Each road or length of road specified in the second column of a table in Schedule 2 is designated as a parking place in the controlled parking zone for a permitted vehicle.

Use of designated parking places

8. The driver of a vehicle shall not leave it in a parking place specified in a table in—

(a) Part 1 of Schedule 2 unless it is a permitted vehicle.

(b) Part 2 of Schedule 2 unless it is a permitted vehicle for which a permit has been issued.

Position within a designated parking place

9. Save as provided in Article 4, a person shall not leave or cause a vehicle to be left in a parking place during the specified hours unless it is wholly within a parking space where such has been marked out.

Position within an allocated parking space

10. Subject to Article 5, a person shall not leave a vehicle for which a permit has been issued in a parking space allocated to that permit by the Department unless it is wholly within the parking space, where such has been marked out.

(**a**) S.R. 2017 No. 204

Period for which a vehicle may wait

11.—(1) Subject to paragraphs (2), (3) and (4), and save as provided in Articles 4 and 5, during the specified hours a person shall not leave or cause a vehicle to be left in a parking place.

(2) The prohibitions in paragraph (1) shall not apply to:—

(a) a disabled person's vehicle; or

(b) a wedding car or a hearse engaged in a wedding or a funeral, as the case may be, from premises located within that residents parking zone, which shall be deemed to have been issued with a permit; or

(c) a vehicle for which the appropriate charge has been paid in respect of a parking place specified in the table in Part 1 of Schedule 2;

(d) a vehicle for which a resident's permit, a visitor's permit, a business resident's permit, a health carer's permit or a special permit has been issued by the Department.

(3) The driver of a vehicle for which the appropriate charge has been paid shall not leave it in a parking place specified in the table in Part 1 of Schedule 2 for longer than 2 hours.

(4) Until the expiration of one hour from the time a vehicle for which the appropriate charge has been paid is removed from a parking space specified in the table in Part 1 of Schedule 2 a person shall not cause or permit that vehicle to be left again in that space.

Suspension of the use of a parking place

12. The Department may suspend the use of a parking place or any part of it for so long as may be necessary for the purpose of enabling—

(a) a vehicle, if it cannot conveniently be used for such purpose outside the parking place, to be used in connection with any of the following purposes:

(i) building, repair or demolition operations, including works to property adjacent to that parking place;

(ii) the removal of any obstruction to traffic;

(iii) the cleansing, maintenance, improvement or reconstruction of the road; or

(iv) the laying, erection, alteration or repair in, or in land adjacent to the road, of any sewer, main, pipe or apparatus for the supply of gas, water or electricity or of electronic communications apparatus as defined in Schedule 2 to the Telecommunications Act 1984(**a**);

(b) the implementation of any traffic management scheme;

(c) street works as defined in Article 3(3) of the Street Works (Northern Ireland) Order 1995(**b**) to be executed.

Prohibition of the use of a suspended parking place

13.—(1) The driver of a vehicle shall not leave it in a parking place where the use of that parking place has been suspended by the Department in accordance with Article 12 unless it is being used in connection with any of the undertakings specified in that Article.

(2) The driver of a vehicle shall not leave it in a parking place where the use of that parking place has been suspended by a constable in uniform in accordance with Article 18(3) of the Regulation Order.

(**a**) 1984 c. 12 as amended by 2003 c. 21 Sch. 3 para. 2(2)
(**b**) S.I. 1995/3210 (N.I. 19)