STATUTORY RULES OF NORTHERN IRELAND

2017 No. 130

ROAD TRAFFIC AND VEHICLES

The Loading Bays and Parking Places on Roads Order (Northern Ireland) 2017

Made - - - -	*30th June 2017*
Coming into operation- -	*21st July 2017*

The Department for Infrastructure(**a**) makes the following Order in exercise of the powers conferred by Articles 10(4) and 13(1), (13) and (16) of the Road Traffic Regulation (Northern Ireland) Order 1997(**b**) and now vested in it(**c**).

It appears to the Department to be necessary to provide suitable parking places for vehicles on the lengths of the roads specified in Schedule 1.

The Department has consulted such persons as it considered appropriate in compliance with paragraphs 1 and 2 of Schedule 4 to the Road Traffic Regulation (Northern Ireland) Order 1997.

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 the Department 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.

No written objection or other representation has been received.

Citation, commencement and interpretation

1.—(1) This Order may be cited as The Loading Bays and Parking Places on Roads Order (Northern Ireland) 2017 and shall come into operation on 21st July 2017.

(2) In this Order—

"goods vehicle" means a motor vehicle constructed or adapted for use for the carriage of goods, or a trailer so constructed or adapted;

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

(**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
(**d**) 1983 C. 54

"parking place" means a length of road authorised by Article 2 to be used as a parking place;

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

"specified hours" in relation to a parking place specified in column 1 of Schedule 1 means the hours specified in the corresponding entry in column 2 on the day specified in the corresponding entry in column 3;

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

Authorisation of parking places

2. The use as a parking place of the lengths of roads specified in column 1 of Schedule 1 is authorised.

Position within a parking place

3. Save as provided in Articles 5 and 12, a person shall not leave or cause a vehicle to be left in a parking place unless it is wholly within a parking space where such has been marked out.

Maximum period of waiting and further use of a parking place on Saturday

4.—(1) Subject to paragraph (2) and save as provided in Article 5, during the specified hours—

(a) (i) a person shall not leave or cause a vehicle to be left in a parking place specified in Part 1 of Schedule 1 for longer than 1 hour;

(ii) a person shall not leave or cause a vehicle to be left in a parking place specified in Part 2 of Schedule 1 for longer than 2 hours.

(b) a person shall not leave or cause that vehicle to be left again in that parking place, until the expiration of 1 hour from the time that vehicle is removed from that parking place.

(2) The prohibitions of paragraph (1) shall not apply to a disabled person's vehicle.

Exceptions to the use of a parking place

5.—(1) Nothing in Articles 3 and 4(1) shall render it unlawful to leave or cause a vehicle to be left in a parking place during the specified hours where the person in control of it is prevented from proceeding by circumstances beyond that person's control or to avoid an accident or for so long as may be reasonably necessary to enable—

(a) a person to board or alight from a vehicle left in a parking place before the expiration of 1 hour from the time that vehicle is removed from that parking place provided that such boarding or alighting does not cause that vehicle to be left again in that parking 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 purpose 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 parking place of postal packets;

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

(i) in connection with any building, repair or demolition operations;

(**a**) 2000 c. 26

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

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

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

(v) in the 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**);

(vi) 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**); or

(e) goods to be loaded or unloaded from the vehicle.

(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 a period exceeding 2 minutes whether or not the vehicle is moved during that period.

Suspension of the use of a parking place

6. 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 operation outside the parking place, to be used in connection with any of the following operations—

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

(ii) the removal of any obstruction to traffic;

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

(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 communication apparatus as defined in Schedule 2 to the Telecommunications Act 1984;

(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(**d**) to be executed.

Prohibition of the use of a suspended parking place

7. A person not using a vehicle in connection with any of the undertakings specified in Article 6 shall not leave or cause that vehicle to be left in a parking place where the use of that parking place has been suspended by the Department in accordance with that Article.

Removal of a vehicle in an emergency

8. A person authorised by the Department may remove a vehicle from a parking place in an emergency.

(**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 Schedule 3 para. 2(2)

(**d**) S.I. 1995/3210 (N.I. 19)

Method of removal of a vehicle

9. Any person removing a vehicle by virtue of Article 8 may do so by towing, or driving the vehicle or in such other manner as is reasonably necessary and may take such measures as are reasonably necessary to enable that person to remove it.

Custody of a vehicle

10. When a person authorised by the Department removes or makes arrangements for the removal of a vehicle from a parking place by virtue of Article 8 that person shall make such arrangements as may be necessary for the safe custody of the vehicle.

Restricted use as loading bays of certain parking places (Schedules 2 and 3)

11.—(1) Subject to paragraph (2) and Article 12, the driver of a vehicle shall not use a parking place specified in column 1 of Schedules 2 and 3 during such hours and on such days as are specified in relation to that parking place in columns 2 and 3 respectively of those Schedules.

(2) (a) The driver of a vehicle may use a parking place specified in column 1 of Schedule 2 during such hours and on such days as are specified in relation to that parking place in columns 2 and 3 respectively; and

(b) The driver of a goods vehicle may use a parking place specified in column 1 of Schedule 3 during such hours and on such days as are specified in relation to that parking place in columns 2 and 3 respectively,

for the purpose of the conveyance of goods to or from premises situated adjacent to that parking place where—

(i) the goods by reason of their size or weight could not reasonably be conveyed to or from such premises otherwise than by means of a vehicle; and

(ii) the use is no longer than is necessary to convey those goods to or from those premises.

Exceptions to restricted use as a loading bay

12. Articles 3 and 11(1) shall not apply to—

(a) a vehicle, the driver of which is acting upon the direction or with permission of a constable in uniform; or

(b) a vehicle being used—

(i) in an emergency by a medical practitioner, or for fire and rescue, ambulance, police or customs purposes or for the purpose of the security forces;

(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 sewage undertaker or a water undertaker in connection with the discharge of that undertaker's functions;

(iv) in or adjacent to the parking place in connection with the laying, erection, alteration or repair of any electronic communication apparatus as defined in Schedule 2 to the Telecommunications Act 1984;

(v) by or on behalf of the holder of a licence granted under Article 10 of the Electricity (Northern Ireland) Order 1992 or a licence granted under Article 8 of the Gas (Northern Ireland) Order 1996 in connection with the discharge of the holder's functions;

(vi) by or on behalf of a universal service provider for the purposes of the delivery to, or collection from, premises situated adjacent to the length of road of postal packets;

(vii) in connection with any building operation or demolition adjacent to the parking place.

Revocations

13. The provisions specified in column (1) of Schedule 4 are revoked to the extent specified in column (3).

Sealed with the Official Seal of the Department for Infrastructure on 30th June 2017

(L.S.)

Garry F McKenna
A senior officer of the Department for Infrastructure