STATUTORY RULES OF NORTHERN IRELAND

2015 No. 410

ROAD TRAFFIC AND VEHICLES

The Parking Places and Waiting Restrictions (Alfred Street / Upper Arthur Street, Belfast) Order (Northern Ireland) 2015

Made - - - -	*11th December 2015*
Coming into operation -	*4th January 2016*

The Department for Regional Development(**a**) makes the following Order in exercise of the powers conferred by Articles 4(1), (2) and (3), 10(4), 13(1), (9), (10), (12), (13) and (16) and 15(1) 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 road specified in Article 18 and Schedule 1.

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

The Department has published a notice in compliance with paragraphs 1 and 3 of those Schedules.

The Department, in compliance with paragraph 3(4) of Schedule 4 to that Order, 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.

Two written objections have been received and duly considered and one representation has been received.

Citation, commencement and interpretation

1.—(1) This Order may be cited as The Parking Places and Waiting Restrictions (Alfred Street / Upper Arthur Street, Belfast) Order (Northern Ireland) 2015 and shall come into operation on 4th January 2016.

(2) In this Order—

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

(**a**) S.I. 1999/283 (N.I. 1) Article 3(1)
(**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;

"permit authority" means the Department or a person contracted by the Department to undertake its functions in relation to the issue, surrender and revocation of permits;

"permit holder" means the person to whom a permit has been issued under the provisions of Articles 11 and 12;

"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**);

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

Authorisation of a permit parking place

2. The use as a parking place of the length of road specified in Schedule 1 is authorised.

Position within a parking place

3. Save as provided in Article 10, a person shall not leave or cause a vehicle to be left in the parking place unless it is wholly within a parking space where such has been marked out.

Suspension of the use of a parking place

4. The Department may suspend the use of the 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 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**);

(b) the implementation of any traffic management scheme; or

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

Prohibition of the use of a suspended parking place

5. A person not using a vehicle in connection with any of the undertakings specified in Article 4 shall not leave or cause that vehicle to be left in the parking place where the use of the parking place has been suspended by the Department in accordance with that Article.

Removal of a vehicle in an emergency

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

(**a**) 2000 c. 26
(**b**) 1984 c. 12 as amended by 2003 c. 21 Schedule 3 para. 2(2)
(**c**) S.I. 1995/3210 (N.I. 19)

Method of removal of a vehicle

7. Any person removing a vehicle by virtue of Article 6 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 the person to remove it.

Custody of a vehicle

8. When a person authorised by the Department removes or makes arrangements for the removal of a vehicle from the parking place by virtue of Article 6 the person shall make such arrangements as may be necessary for the safe custody of the vehicle.

Restricted use of a parking place

9. The driver of a vehicle may use the parking place provided a valid permit is displayed in accordance with Article 13.

Exceptions

10. Nothing in Articles 3 and 9 shall render it unlawful to leave or cause a vehicle to be left in the parking place where the person in control of it is acting upon the direction or with the permission of a constable in uniform or 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 provided that such boarding or alighting does not cause the vehicle to be left 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 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 parking place of postal packets;

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

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

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

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

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

(v) 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**); or

(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; or

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

(**a**) S.I. 1992/231 (N.I. 1)
(**b**) S.I. 1996/275 (N.I. 2)

Permits

11.—(1) A person may apply to the permit authority for the issue of a permit for the parking of a permitted vehicle within the parking place.

(2) Any such application shall be made on a form issued by or obtainable from the permit authority and shall be completed by including all the necessary information.

(3) The permit authority shall require an applicant for a permit to produce to an officer of the permit authority such evidence in respect of the application as they may reasonably require to verify any particulars or information given to them or in respect of any permit issued by them as they may reasonably require to verify the permit is valid.

(4) On receipt of an application duly made under the foregoing provisions of this Article, the permit authority, upon being satisfied that the issue of a permit is justified in the case of that particular application, may issue to that applicant a permit for the parking of a permitted vehicle.

(5) A permit shall remain the property of the Department at all times.

(6) A permit shall be in the form specified in Schedule 2 and shall include the particulars specified in paragraph 7.

(7) The particulars referred to in paragraph 6 are as follows—

(a) the permit number;

(b) the location; and

(c) the expiry date.

Replacement of permits

12.—(1) If a permit becomes mutilated, defaced or the figures or particulars on it have become illegible or the colour of the permit has become altered by fading or otherwise, the permit holder shall surrender it to the permit authority and may apply to the permit authority for the issue of a replacement permit.

(2) If a permit is lost, stolen or destroyed, the permit holder may apply to the permit authority for the issue of a replacement permit.

(3) The provisions of this Order shall apply to a replacement permit and in the application for a replacement permit to replace a stolen permit, the application must be accompanied by a police crime reference number.

Display of permits

13.—(1) Subject to Article 10 and as provided in paragraph (2), at all times during which a vehicle is left in the parking place specified in Schedule 1, there shall be displayed in the manner described in paragraph (2) a valid permit issued in respect of that vehicle.

(2) The manner of display of a permit referred to in paragraph (1) shall be—

(a) in the case of a vehicle which is fitted with a transparent windscreen—

(i) on the inside surface of the windscreen on the nearside so that particulars recorded on the front of the permit can be entirely and easily seen by a person standing at the front or side of the vehicle;

(ii) on a side window facing the kerb so that the particulars recorded on the front of the permit can be entirely and easily seen by a person standing at the side of the vehicle; or

(iii) on the dashboard area immediately below the windscreen so that the particulars recorded on the front of the permit can be entirely and easily seen by a person standing at the front or side of the vehicle;

(b) in the case of a vehicle which is not fitted with a transparent windscreen—

(i) in a vehicle-mounted disc holder on the front of the vehicle so that the particulars recorded on the front of the permit can be entirely and easily seen by a person standing in front of the vehicle.

Validity of permits

14. A permit shall be valid on a particular day only if that day is before the expiry date shown on the displayed permit and is in use at the location shown on the permit.

Surrender and revocation of permits

15.—(1) A permit holder may surrender a permit to the Department at any time and shall surrender the permit to the Department within 48 hours of the occurrence of one of the events set out in paragraph (3).

(2) The Department may serve on the permit holder a notice revoking a permit if it appears to the Department that one of the events set out in paragraph (3) has occurred, and the permit holder shall surrender the permit to the Department within 48 hours of receipt of that notice.

(3) The events referred to in the foregoing provisions of this Article are—

(a) the permit holder failing to surrender the permit in accordance with its terms and conditions of use; and

(b) the vehicle on which a permit is displayed is being used in such a manner that it is not a permitted vehicle.

(4) The notice referred to in paragraph (2) shall be issued within 14 working days of the provisions outlined in paragraph (3) being brought to the Department's attention.

(5) A permit shall cease to be valid on the occurrence of any one of the events set out in paragraph (3) or if it is revoked under paragraph (2).

Amendments

16. The On-Street Parking Order (Northern Ireland) 2000(**a**) is amended by the substitution for item nos. 4, 5 and 6 relating to Alfred Street and item no. 104 relating to Upper Arthur Street, in Chapter 1, Part 1 of Schedule 1 of the same descriptions together with new maps.

17. Schedule 1 to The Parking Places on Roads (Disabled Persons' Vehicles) Order (Northern Ireland) 2015(**b**) is amended by the substitution for item no. 562 of the following:—

"Upper Arthur Street, Belfast (east side) – from a point 5.2 metres north of its junction with Music Hall Lane for a distance of 5.5 metres in a northerly direction.".

18. —(1) The Loading Bays on Roads Order (Northern Ireland) 2007(**c**) is amended in accordance with paragraphs (2) and (3).

(**a**) S.R. 2000 No. 383 as amended by S.R. 2002 No. 201, S.R. 2002 No. 287, S.R. 2002 No. 398, S.R. 2003 No. 51, S.R. 2003 No. 269, S.R. 2004 No. 11, S.R. 2006 No. 362, S.R. 2007 No. 241, S.R. 2007 No. 456, S.R. 2007 No. 502, S.R. 2008 No. 2, S.R. 2008 No. 369, S.R. 2009 No. 224, S.R. 2011 No. 87, S.R. 2011 No. 88, S.R. 2011 No. 102, S.R. 2011 No. 126, S.R. 2011 No. 132, S.R. 2011 No. 274, S.R. 2012 No. 202, S.R. 2012 No. 288, S.R. 2012 No. 327, S.R. 2012 No. 348, S.R. 2014 No. 7, S.R. 2014 No. 35, S.R. 2014 No. 161, S.R. 2014 No. 171, S.R. 2014 No. 243 and S.R. 2015 No. 317

(**b**) S.R. 2015 No. 33

(**c**) S.R. 2007 No. 270 relevant amending Order is S.R. 2015 No. 317