STATUTORY RULES OF NORTHERN IRELAND

2015 No. 240

ROAD TRAFFIC AND VEHICLES

The Off-Street Parking (Amendment) Order (Northern Ireland) 2015

Made - - - -	*5th May 2015*
Coming into operation -	*26th May 2015*

The Department for Regional Development(**a**) makes the following Order in exercise of the powers conferred by Articles 11(1)(c), 13(1), (2), (6), (7), (14) and (16), and 26(1) of, and paragraph 5 of Schedule 4 to, the Road Traffic Regulation (Northern Ireland) Order 1997(**b**) and now vested in it(**c**).

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.

No written objection or other representation has been received.

The Department has modified the draft Order.

Citation and commencement

1. This Order may be cited as The Off-Street Parking (Amendment) Order (Northern Ireland) 2015 and shall come into operation on 26th May 2015.

Amendments

2. The Off-Street Parking Order (Northern Ireland) 2000(**d**) is amended in accordance with Article 3.

3.—(1) In Article 2 (interpretation)—

(a) delete the definition for "pay and display machine"; and

(**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**) S.R. 2000 No. 384 as amended by S.R. 2001 No. 266, S.R. 2001 No. 274, S.R. 2001 No. 425, S.R. 2002 No. 9, S.R. 2002 No. 399, S.R. 2003 No. 127, S.R. 2003 No. 302, S.R. 2003 No. 326, S.R. 2003 No. 335, S.R. 2004 No. 12, S.R. 2004 No. 448, S.R. 2004 No. 456, S.R. 2005 No. 346, S.R. 2006 No. 31, S.R. 2006 No. 363, S.R. 2007 No. 233, S.R. 2007 No. 423, S.R. 2008 No. 74, S.R. 2008 No. 447, S.R. 2009 No. 290, S.R. 2011 No. 176, S.R. 2011 No. 313, S.R. 2012 No. 216, S.R. 2012 No. 253, S.R. 2012 No. 289, S.R. 2012 No. 333, S.R. 2012 No. 382, S.R. 2012 No. 409, S.R. 2013 No. 152 and S.R. 2013 No. 264

(b) insert the following definitions—

"hand-held device" means apparatus used by a traffic attendant which is programmed to interface with the telephone parking system;

"parking charge" means any charge set by the Department for leaving a vehicle in a parking place authorised by this Order.

"parking ticket" means a ticket issued by a ticket machine relating to any parking place for which a charge is made identified in Schedule 1;

"pay and display parking place" means an off-street parking place authorised by this Order where permitted vehicles may park with a parking ticket issued by a ticket machine and displayed in the manner specified in Article 12 or whose driver is a registered driver who has paid the relevant fee via the telephone parking system;

"registered driver" means the driver of a vehicle who has, prior to leaving their vehicle in a pay and display parking place, had registered so many of their personal details with a service provider as that service provider may require to enable the telephone parking system to be activated in favour of said driver;

"service provider" means a person or company providing services to or on behalf of the Department;

"telephone parking system" means a system to facilitate and monitor any parking charge paid using any telephone or internet enabled device via communication with the service provider in accordance with instructions indicated on signs located at each pay and display parking place where the system is operational; and

"ticket machine" means an apparatus designed to issue a ticket indicating payment of a charge and 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 ticket expires;

(2) For Article 8 (use of a parking place other than for parking) substitute the following Article—

"8.—(1) The use of part of the parking places specified in Schedule 1 for advertising is authorised in accordance with a licence issued by the Department.

(2) The use of part of the parking places specified in Schedule 1 for displaying information to the public is authorised in accordance with a licence issued by the Department.

(3) The use of part of the parking places specified in Schedule 1 for the collection of recyclable materials is authorised in accordance with a licence issued by the Department."

(3) For Articles 11 and 12 substitute the following:—

"Payment of charges

11.—(1) Save as provided for in Article 14 **t**he driver of a vehicle leaving it in a parking place specified in column 1 of Schedule 1 during the days and hours specified in columns 3 and 4 in relation thereto shall pay the appropriate charge in accordance with the scale of charges specified in column 6 in relation thereto and set out in Schedule 2.

(2) Charges may be paid by—

(a) inserting into a ticket machine a coin or combination of coins of appropriate denominations;

(b) inserting into a ticket machine a credit or debit card of a type indicated, and following the instructions displayed, on the machine;

(c) the purchase of a pre-paid charge card for use in a ticket machine; or

(d) the use of pre-paid tickets; or

(e) a registered driver using the telephone parking system.

(3) Telephone charges incurred in the course of making any parking payment transaction shall be the responsibility of the registered driver.

Pre-paid tickets

11A. In the case of pre-paid tickets the instructions given on the tickets in respect of making distinct perforations in the tickets or taking other appropriate action to clearly indicate the date and time of arrival shall be carried out by the driver as soon as he takes up position in the parking place.

Use of telephone parking system

11B. If at any time a vehicle is left in a parking place during the specified hours and a check is carried out by, or on behalf of, the Department and no indication that a parking charge has been paid using the telephone parking system in respect of that vehicle for that controlled parking zone appears on a traffic attendant's hand-held device it shall be presumed, unless the contrary is proved that either—

(i) a parking charge had not been paid in respect of that vehicle; or

(ii) the parking period for which payment was made had already expired.

Display of printed tickets

12.—(1) The driver shall attach the ticket (or tickets) issued by the ticket machine or a pre-paid ticket duly perforated on the inside surface of the windscreen or a side window facing the kerb or place the ticket on the dashboard area immediately below the windscreen so that the particulars recorded on the front of the ticket are clearly visible to a person standing at the front or side of the vehicle.

(2) In the case of a motor cycle the ticket shall be placed in a conspicuous position in front of the driver's seat."

(4) For Article 13 (particulars of ticket) substitute the following article—

"**Particulars of ticket**

13.—(1) Where a vehicle is left parked in a parking place where charges may be collected by means of a ticket machine and the particulars on the ticket indicate that the period in respect of which payment was made has expired, for the purposes of any appeal under Articles 13, 16 or 28 of the Traffic Management (Northern Ireland) Order 2005 it shall be presumed, unless the contrary is proved, that said particulars are evidence of the expiry of such period.

(2) Where a vehicle is left parked in a parking place where charges may be collected by means of a ticket machine, and a ticket is not displayed in accordance with the provisions of Articles 12 or 14(6) for the purposes of any appeal under Articles 13, 16 or 28 of the Traffic Management (Northern Ireland) Order 2005 it shall be presumed, unless the contrary is proved, that the absence of a ticket is evidence of the fact that a ticket has not been purchased."

(5) For Article 19 (trading in a parking place) substitute the following Article—

"**19.**—(1) Subject to paragraph (2) and save as provided in Article 24 of the Road Traffic Regulation (Northern Ireland) Order 1997, a person shall not use a parking place in connection with the sale of anything to persons in or near the parking place or in connection with the selling or offering for hire of their skill or services.

(2) Paragraph (1) shall not apply in respect of any fee payable for the use of an electric vehicle charging post."

(6) For Article 25 (consumption of intoxicating liquor) substitute the following Article—

"**25.** Subject to paragraph (2) a person shall not use any of the parking places specified in Schedule 1, or any vehicle in any of those parking places, for the purpose of consuming intoxicating liquor."

(7) For Article 28 (supermarket trolleys) substitute the following Article—

"**28.**—(1) A person shall not cause or permit a supermarket trolley to enter a parking place in or under a building, and any supermarket trolley left there may be removed by a person authorised by the Department.

(2) A person shall not cause or permit a supermarket trolley to be left in any other parking place, other than in an area set aside for that purpose, and any supermarket trolley so left may be removed by a person authorised by the Department."

(8) Schedule 1 is amended as follows:—

(a) for item nos. 6, 26, 47, 48, 50, 137, 149, 150, 151, 155, 176, 357 and 383 substitute the items specified in Schedule 1 to this Order.

(b) for "Downshire Place South, Banbridge" substitute "Downshire Place, Banbridge" in column 1 of item no. 53.

(c) for "Main Road, Cloghy" substitute "Main Road, Cloughey" in column 1 of item no. 123.

(d) for "14 hours" substitute "12 hours" in column 5 of item no. 153 relating to Meadowlands, Downpatrick.

(e) for "TL4" substitute "TS4" in column 6 of item no. 178 relating to Quay Lane South, Enniskillen.

(f) for "12 hours" substitute "14 hours" in column 5 of item nos. 206 and 367 relating to Newry Street, Kilkeel and East Street, Warrenpoint.

(g) for "Foyle Road (GNR Site), Londonderry" substitute "Foyle Road, Londonderry" in column 1 of item no. 249.

(h) for "Queen's Quay North, Londonderry" substitute "Queen's Quay, Londonderry" in column 1 of item no. 251.

(i) the deletion of item nos. 66, 252, 298, 360 and 376 relating to Dufferin Avenue, Bangor; Queen's Quay South, Londonderry; Railway Avenue, Newry, Market Yard, Strabane and Downshire Place North, Banbridge.

(j) for "Spencer Road/Hill's Site, Londonderry" substitute "Spencer Road, Londonderry" in column 1 of item no. 257.

(k) for "Moore's Lane 1, Lurgan" substitute "Moore's Lane, Lurgan" in column 1 of item 269(a).

(l) for "Moore's Lane 2, Lurgan" substitute "Connolly Place, Lurgan" in column 1 of item 269(b).

(m) for "Moore's Lane 3, Lurgan" substitute "Union Street, Lurgan" in column 1 of item 269(c).

(n) for "Waring Street 1, Lurgan" substitute "Edward Street, Lurgan" in column 1 of item 271(a).

(o) for "Waring Street 2, Lurgan" substitute "Waring Street, Lurgan" in column 1 of item 271(b).

(p) for "Waring Street 3" substitute "Millennium Way" in column 1 of item 271(c).

(q) for "12 hours" substitute "24 hours" in column 5 of item no. 344 relating to Lansdowne Road, Portrush.

(r) for "City Hotel, Londonderry" substitute "Foyle Street, Londonderry" in column 1 of item no. 386.

(s) by the addition of item nos. 394, 395, 396, 397 and 398 as specified in Schedule 2 to this Order.

(9) Schedules 3 and 4 are deleted.

(10) The Off-Street Parking (Amendment No. 4) Order (Northern Ireland) 2012(**a**) is revoked.

Sealed with the Official Seal of the Department for Regional Development on 5th May 2015

(L.S.)

G F McKenna
A senior officer of the Department for Regional Development

(**a**) S.R. 2012 No. 333