STATUTORY RULES OF NORTHERN IRELAND

2013 No. 14

ROAD TRAFFIC AND VEHICLES

The Parking Places, Loading Bays and Waiting Restrictions (Portadown) Order (Northern Ireland) 2013

Made - - - -	*21st January 2013*
Coming into operation -	*12th February 2013*

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) and 13(1), (13) and (16) 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**).

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 and Article 11(c).

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.

No written objection or other representation has been received.

The Department has modified the draft Order.

Citation, commencement and interpretation

1.—(1) This Order may be cited as The Parking Places, Loading Bays and Waiting Restrictions (Portadown) Order (Northern Ireland) 2013 and shall come into operation on 12th February 2013.

(2) In this Order—

(**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

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

"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(**b**);

"specified hours" means the hours between 8.30 a.m. and 6.15 p.m. on Monday to Saturday inclusive; and

"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 parking places of the lengths of road specified in Schedule 1 is authorised.

Position within a parking place

3. Save as provided in Article 5, 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 in and further use of a parking place

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

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

(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 in paragraph (1) shall not apply to a disabled person's vehicle.

Exceptions

5.—(1) Nothing in Articles 3 or 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 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 conveniently 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;

(**a**) 1983 c. 54
(**b**) 2000 c. 26

(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 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(**c**).

(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 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; 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;

(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)
(**b**) S.I. 1996/275 (N.I. 2)
(**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.

Loading Bays

11. The Loading Bays on Roads Order (Northern Ireland) 2007(**a**) shall be amended by—

(a) the deletion from Schedule 1 of item Nos. 40 and 41;

(b) the deletion from Schedule 2 of item No. 39; and

(c) the addition to Schedule 1 of the following items—

"131.	Bridge Street, Portadown (south-east side) from a point 62 metres south-west of its junction with Goban Street for a distance of 11 metres in a south-westerly direction.	8.30 a.m. to 6.15 p.m.	Monday to Saturday inclusive
132.	High Street, Portadown (south-east side) from a point 22 metres south-west of its junction with Bridge Street for a distance of 17 metres in a south-westerly direction.	8.30 a.m. to 6.15 p.m.	Monday to Saturday inclusive
133.	Mandeville Street, Portadown (west side) from a point 4 metres south of its junction with West Street for a distance of 12 metres in a southerly direction.	8.30 a.m. to 6.15 p.m.	Monday to Saturday inclusive
134.	Market Street, Portadown (north side) from a point 46 metres west of its junction with Woodhouse Street for a distance of 12 metres in a westerly direction.	8.30 a.m. to 6.15 p.m.	Monday to Saturday inclusive
135.	West Street, Portadown (south side) from a point 74 metres east of its junction with Little West Street for a distance of 13 metres in an easterly direction.	8.30 a.m. to 6.15 p.m.	Monday to Saturday inclusive
136.	William Street, Portadown (north-east side) – from a point 75 metres south-east of its junction with Market Street, for a distance of 19 metres in a south-easterly direction.	8.30 a.m. to 6.15 p.m.	Monday to Saturday inclusive

(**a**) S.R. 2007 No. 270: relevant amending orders are S.R. 2008 No. 80, S.R. 2008 No. 229 and S.R. 2012 No. 433