STATUTORY RULES OF NORTHERN IRELAND

2012 No. 434

ROAD TRAFFIC AND VEHICLES

The Parking Places on Roads (Donaghmore) Order (Northern Ireland) 2012

Made - - - -	*6th December 2012*
Coming into operation -	*28th December 2012*

The Department for Regional Development(**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 a suitable parking place for vehicles on the length of road specified in the Schedule.

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 place 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 Parking Places on Roads (Donaghmore) Order (Northern Ireland) 2012 and shall come into operation on 28th December 2012.

(2) In this Order—

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

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

(**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

"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" means the hours between 8.30 a.m. and 5.30 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 a parking place

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

Maximum period of waiting in and further use of a parking place

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

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

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

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

Exceptions

4.—(1) Nothing in Article 3(1) 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 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 the 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 the 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 the 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 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(**b**) or of a licence granted under Article 8 of the Gas (Northern Ireland) Order 1996(**c**); or

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(**a**) 2000 c. 26
(**b**) S.I. 1992/231 (N.I. 1)
(**c**) S.I. 1996/275 (N.I. 2)

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

Suspension of the use of a parking place

5. 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; 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; or

(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

6. A person not using a vehicle in connection with any of the undertakings specified in Article 5 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

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

Method of removal of a vehicle

8. Any person removing a vehicle by virtue of Article 7 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

9. 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 7 that person shall make such arrangements as may be necessary for the safe custody of the vehicle.

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