STATUTORY RULES OF NORTHERN IRELAND

2012 No. 343

ROAD TRAFFIC AND VEHICLES

The Waiting Restrictions (John Street, Castlederg) Order (Northern Ireland) 2012

Made - - - -	*19th September 2012*
Coming into operation -	*11th October 2012*

The Department for Regional Development(**a**) makes the following Order in exercise of the powers conferred by Article 4(1), (2) and (3) of, and paragraph 5 of Schedule 1 to, the Road Traffic Regulation (Northern Ireland) Order 1997(**b**) and now vested in it(**c**).

The Department has consulted such persons as it considered appropriate in compliance with paragraphs 1 and 2 of Schedule 1 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, commencement and interpretation

1.—(1) This Order may be cited as The Waiting Restrictions (John Street, Castlederg) Order (Northern Ireland) 2012 and shall come into operation on 11th October 2012.

(2) In this Order —

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

"postal packet" means a letter, parcel, packet or other article transmissible by post as defined in section 125 of the Postal Services Act 2000(**e**);

"specified hours" means the hours between 8.30 a.m. and 4.30 p.m. and 5.00 p.m. to 6.30 p.m. on the days Monday to Friday inclusive; and

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

(**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
(**e**) 2000 c. 26

Restriction of waiting

2. Save as provided in Article 3 during the specified hours—

(a) a person shall not cause or permit a vehicle to be left on the length of road specified in the Schedule for longer than 1 hour; and

(b) a person shall not cause or permit that vehicle to be left again on that length of road until the expiration of 1 hour from the time that vehicle is removed from that length of road.

Exceptions

3. —(1) Nothing in Article 2 shall render it unlawful for a person to cause or permit a vehicle to wait on the carriageway of the length of road specified in the Schedule 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 provided that such boarding or alighting does not cause the vehicle to wait in the same 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 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 length of road of postal packets*;*

(d) the vehicle, if it cannot conveniently be used for such purposes outside that length of road, to be used—

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

(ii) in connection with the removal of any obstruction of 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(**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 the period exceeding 2 minutes whether or not the vehicle is moved during that period.

Removal of a vehicle in an emergency

4. A person authorised by the Department may remove a vehicle from the length of road specified in the Schedule 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 Sch. 3 para. 2(2)