STATUTORY RULES OF NORTHERN IRELAND

2011 No. 132

ROAD TRAFFIC AND VEHICLES

The Parking Places on Roads (Belfast) Order (Northern Ireland) 2011

Made - - - -	*21st March 2011*
Coming into operation -	*12th April 2011*

The Department for Regional Development(**a**) makes the following Order in exercise of the powers conferred by Articles 10(4) and 13(1), (9), (10), (12), (13), (16) and 15(1) of, and paragraph 5 of Schedule 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 road specified in the Schedules and in Article 18(1) and (2).

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 places the particulars specified in paragraph 3(2) of that Schedule.

One hundred and seventy-two objections were received and duly considered and no 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 on Roads (Belfast) Order (Northern Ireland) 2011 and shall come into operation on 12th April 2011.

(**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

(2) In this Order—

"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;

"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 13 and 14;

"permitted vehicles" means a motor car, light goods vehicle and motor cycle;

"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" in relation to a parking place specified in column 1 of Schedule 1 means the hours specified in the corresponding entry in column 2 on the day specified in the corresponding entry in column 3;

"statutory undertaker" means—

(a) the railway undertaking within the meaning of the Transport Act (Northern Ireland) 1967(**c**); or

(b) any body or person authorised by any statutory provision to carry out any harbour or dock undertaking; 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 parking places of the lengths of road specified in Schedules 1 and 2 is authorised.

Position within a parking place

3. Save as provided in Articles 10 and 12, 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.

Suspension of the use of a parking place

4. 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;

(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

(**a**) 1983 c. 54
(**b**) 2000 c. 26
(**c**) 1967 c. 37 (N.I.)

electronic communication apparatus as defined in Schedule 2 to the Telecommunications Act 1984(**a**);

(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

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 a 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 a parking place in an emergency.

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 a parking place by virtue of Article 6 the person shall make such arrangements as may be necessary for the safe custody of the vehicle.

Maximum period of waiting and further use of a parking place

9.—(1) Subject to paragraph (2) and save as provided in Article 10, 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

10. Nothing in Articles 3 and 9(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 provided that such boarding or alighting does not cause the 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 length of road of postal packets;

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

(d) the vehicle, if it cannot reasonably be used for such purpose 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 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.

Restricted use (loading bays) of parking places (Schedule 2)

11.—(1) Subject to paragraph (2) and Article 12, the driver of a vehicle shall not use a parking place specified in column 1 of Part I of Schedule 2 during such hours and on such days as are specified in relation to that parking place in columns 2 and 3 respectively of that Schedule.

(2) The driver of a vehicle may use a parking place specified in column 1 of Part II of Schedule 2 during such hours and on such days as are specified in relation to that parking place in columns 2 and 3 respectively provided a valid permit is displayed in accordance with Article 13.

(3) The driver of a vehicle may use a parking place specified in column 1 of Part I of Schedule 2 during such hours and on such days as are specified in relation to that parking place in columns 2 and 3 respectively, for the purpose of the conveyance of goods to or from premises situated adjacent to that parking place where—

(a) the goods by reason of their size or weight could not reasonably be conveyed to or from such premises otherwise than by means of a vehicle; and

(b) the use is no longer than is necessary to convey those goods to or from those premises.

Exceptions to restricted use

12. Articles 11 and 15 shall not apply to—

(a) a vehicle, the driver of which is acting upon the direction or with the permission of a constable in uniform; or

(b) a vehicle being used—

(i) 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;

(ii) in pursuance of statutory powers and duties in or adjacent to the parking place by or on behalf of a government department, district council or statutory undertaker;

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

(iv) in or adjacent to the parking place in connection with the laying, erection, alteration or repair of any electronic communication apparatus as defined in Schedule 2 to the Telecommunications Act 1984;

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

(v) by or on behalf of the holder of a licence granted under Article 10 of the Electricity (Northern Ireland) Order 1992 or a licence granted under Article 8 of the Gas (Northern Ireland) Order 1996 in connection with the discharge of the holder's functions;

(vi) for the purpose of delivering or collecting postal packets to or from premises adjacent to the parking place;

(vii) in connection with any building, repair or demolition operations adjacent to the parking place.

Permits

13.—(1) A person may apply to the permit authority for the issue of a permit for the parking of a permitted vehicle within a 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 during the hours as specified in column 2 of part II of Schedule 2.

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

(6) A permit shall be in the form specified in part III of 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 vehicle registration number;

(c) the expiry date.

Replacement of permits

14.—(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

15.—(1) Subject to Article 12 and as provided in paragraph (2), at all times during which a vehicle is left in a parking place specified in Part II of Schedule 2 during the hours specified in column 2, 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—