STATUTORY RULES OF NORTHERN IRELAND

2010 No. 432

ROAD TRAFFIC AND VEHICLES

The Clearway (Route A5, Bradley Way, Strabane) Order (Northern Ireland) 2010

Made - - - -	*29th December 2010*
Coming into operation --	*24th January 2011*

The Department for Regional Development(**a**), makes the following Order in exercise of the powers conferred by Article 4(1), (2) and (3) of 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.

Citation, commencement and interpretation

1.—(1) This Order may be cited as The Clearway (Route A5, Bradley Way, Strabane) Order (Northern Ireland) 2010 and shall come into operation on 24th January 2011.

(2) In this Order—

"footway" means any road or part of a road over which the public have a right of way on foot only;

"verge" means any part of a road which is not a carriageway or footway;

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

"statutory undertaker" means—

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

(b) any body or person authorised by any statutory provision to carry on any harbour or dock undertaking; 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**) 2000 c. 26
(**e**) 1967 c. 37 (N.I.)

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

Control of waiting

2. Save as provided in Article 3, no person shall cause or permit a vehicle to wait wholly or partly on the carriageway or verge of Route A5, Bradley Way, Strabane, from its junction with Bradley Way Roundabout to its junction with Lifford Road Roundabout.

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 or verge of the length of road specified in Article 2 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 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 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 that length of road of postal packets;

(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) in connection with the maintenance, improvement or reconstruction of that road;

(iv) by or on behalf of a statutory undertaker, district council or a government department in pursuance of statutory powers or duties, if the vehicle cannot conveniently be used for such purpose in any other road;

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

(vi) 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

(vii) 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) the opening or closing of a gate or other barrier at the entrance to premises to which the vehicle requires access or from which it has emerged if it is not reasonably practicable for the vehicle to wait otherwise than in that length of road while such gate or barrier is opened or closed;

(2) The provisions of Article 2 shall not apply to a vehicle where the person in control of it—

(i) is required by law to stop; or

(ii) is acting upon the direction or with the permission of a constable in uniform.

(3) 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 or verge is below any part of the vehicle or

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(**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)