STATUTORY RULES OF NORTHERN IRELAND

# 2010 No. 385

# ROAD TRAFFIC AND VEHICLES

## The Parking and Waiting Restrictions (Omagh) Order (Northern Ireland) 2010

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| *Made - - - -* | *29th November 2010* |
| *Coming into operation -* | *21st December 2010* |

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 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 Schedule 1.

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 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 and Waiting Restrictions (Omagh) Order (Northern Ireland) 2010 and shall come into operation on 21st December 2010.

(2) In this Order—

"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;

(**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

"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 6.30 p.m. on Monday to Saturday inclusive;

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

**Authorisation of parking place**

**2.** The use as a parking place of the length 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 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 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.** Nothing in Articles 3 or 4(1) shall render it unlawful to leave or cause a vehicle to be left in a parking place where the person in control of it is prevented from proceeding by circumstances beyond the 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 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;

(d) the vehicle, if it cannot conveniently be used for such purpose outside that parking place, to be used—

(i) by or on behalf of a district council or a government department in pursuance of statutory powers or duties; or

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

(iii) 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)

(iv) 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**);

(e) goods to be loaded or unloaded from the vehicle.

**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;

(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(**b**) 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.

**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 him 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.

**Parts of road on which vehicles must not wait**

**11.** Save as provided in Article 12, a person shall not cause or permit a vehicle to wait on the length of road specified in Schedule 2 at any time.

**Exceptions to restriction of waiting**

**12.**—(1) Nothing in Article 12 shall render it unlawful to cause or permit a vehicle to wait on the carriageway of a length of road specified in Schedule 2 for so long as may be reasonably necessary to enable—

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