STATUTORY RULES OF NORTHERN IRELAND

2010 No. 284

ROAD TRAFFIC AND VEHICLES

The Parking Places, Loading Bay and Waiting Restrictions (Portstewart) Order (Northern Ireland) 2010

Made - - - -	*24th August 2010*
Coming into operation -	*16th September 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, and paragraph 5 of Schedules 1 and 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 parts of the roads 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 places the particulars specified in paragraph 3(2) 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 Parking Places, Loading Bay and Waiting Restrictions (Portstewart) Order (Northern Ireland) 2010 and shall come into operation on 16th September 2010.

(2) In this Order—

(**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

"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;

"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);

"statutory undertaker" means—

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

(b) any body or person authorised by any statutory provision to carry on 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 parking places

2. The use as a parking place of the lengths of road specified in Schedule 1 is authorised.

Position within a parking place

3. Save as provided in Articles 11 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 electronic communication apparatus as defined in Schedule 2 to the Telecommunications Act 1984(**c**);

(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(**d**) 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 that parking place has been suspended by the Department in accordance with that Article.

(**a**) 2000 c. 26
(**b**) 1967 c. 37 (N.I.)
(**c**) 1984 c.12 as amended by 2003 c. 21 Schedule 3 para. 2(2)
(**d**) S.I. 1995/3210 (N.I. 19)

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

Maximum period and further use of a parking place

9.—(1) Subject to paragraph (2) and save as provided in Articles 11 and 12—

(a) (i) a person shall not leave or cause a vehicle to be left in a parking place specified in Part I of Schedule 1 for longer than 1 hour between the hours of 9.00 a.m. and 5.00 p.m. on the days Monday to Saturday inclusive;

(ii) 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;

(b) (i) a person shall not leave or cause a vehicle to be left in a parking place specified in Part II of Schedule 1 for longer than 2 hours between the hours of 9.00 a.m. and 5.00 p.m.;

(ii) a person shall not leave or cause that vehicle to be left again in that parking place until the expiration of 2 hours from the time that vehicle is removed from that parking place;

(c) (i) a person shall not leave or cause a vehicle to be left in a parking place specified in Part III of Schedule 1 for longer than 2 hours between the hours of 9.00 a.m. and 5.00 p.m. during the period from 31st May to 31st August;

(ii) a person shall not leave or cause that vehicle to be left again in that parking place until the expiration of 2 hours from the time that vehicle is removed from that parking place;

(d) (i) a person shall not leave or cause a vehicle to be left in a parking place specified in Part IV of Schedule 1 for longer than 2 hours between the hours of 9.00 a.m. and 5.00 p.m. on the days Saturday and Sunday;

(ii) a person shall not leave or cause that vehicle to be left again in that parking place until the expiration of 2 hours 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.

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

10. Subject to Article 11, the driver of a vehicle shall not use a parking place specified in Schedule 2 on the days Monday to Friday inclusive between the hours of 9.00 a.m. and 5.00 p.m. other than 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

11. Nothing in Articles 3, 9(1) and 10 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 that person's control or to avoid an accident or for so long as may be reasonably necessary to enable—

(a) 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;

(b) 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;

(c) 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, government department or statutory undertaker 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(**a**) or of a licence granted under Article 8 of the Gas (Northern Ireland) Order 1996(**b**); or

(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.

12. Nothing in Articles 3 and 9(1) shall render it unlawful to leave or cause a vehicle to be left in a parking place for so long as may be reasonably necessary to enable goods to be loaded or unloaded from the vehicle.

Part of road on which vehicles must not wait

13. Save as provided in Article 14, a person shall not cause or permit a vehicle to wait between the hours of 9.00 a.m. and 5.00 p.m. on the days Monday to Friday inclusive on the length of road specified in Schedule 3.

Exceptions to prohibition of waiting

14.—(1) Nothing in Article 13 shall render it unlawful to cause or permit a vehicle to wait on the carriageway of the length of road specified in Schedule 3 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 that 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**) S.I. 1992/231 (N.I. 1)
(**b**) S.I. 1996/275 (N.I. 2)

(d) the vehicle, if it cannot conveniently be used for such purposes outside that part of the 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 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 or of a licence granted under Article 8 of the Gas (Northern Ireland) Order 1996; 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.

(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 for more than 2 minutes in the same place if any one part of the carriageway is below any part of the vehicle or its load (if any) throughout a period exceeding 2 minutes whether or not the vehicle is moved during that period.

Sealed with the Official Seal of the Department for Regional Development on 24th August 2010

(L.S.)

D J Millar
A senior officer of the Department for Regional Development