STATUTORY RULES OF NORTHERN IRELAND

2010 No. 262

ROAD TRAFFIC AND VEHICLES

The Clearway (Ballymena) Order (Northern Ireland) 2010

Made - - - -	*16th August 2010*
Coming into operation -	*7th September 2010*

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 (Ballymena) Order (Northern Ireland) 2010 and shall come into operation on 7th September 2010.

(2) In this Order—

"central reservation" means that part of a road which separates the 2 carriageways of a dual carriageway;

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

"hard shoulder" means a surfaced strip alongside the carriageway;

"statutory undertaker" means the railway undertaking within the meaning of the Transport Act (Northern Ireland) 1967(**d**);

"verge" means any part of a road which is not a carriageway, footway, hard shoulder or central reservation.

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, hard shoulder, verge or central reservation of the lengths of road

(**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**) 1967 c. 37 (N.I.)

specified in column 1 of the Schedule during the hours and on the days specified in columns 2 and 3 of the Schedule respectively.

Exceptions

3.—(1) Nothing in Article 2 shall render it unlawful to cause or permit a vehicle to wait on the carriageway, hard shoulder, verge or central reservation of a length of road specified in the Schedule for so long as may be necessary—

(a) for the vehicle to be used for the purpose of delivering or collecting postal packets as defined in section 125 of the Postal Services Act 2000(**a**);

(b) for 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 in any other road or length of road while such gate or barrier is opened or closed;

(c) to enable the vehicle, if it cannot conveniently be used for such purpose in any other road or length of road, to be used in connection with—

(i) any building, repair or demolition operations; or

(ii) the removal of any obstruction to traffic; or

(iii) the maintenance, improvement or reconstruction of the road; or

(iv) 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

(v) in connection with the laying, erection, alteration or repair of any electronic communications apparatus as defined in Schedule 2 to the Telecommunications Act 1984(**d**).

(2) The provisions of Article 2 shall not apply to a vehicle—

(a) being used in an emergency for fire and rescue, ambulance or police purposes;

(b) being used in the service of a statutory undertaker or a government department in pursuance of statutory powers or duties, if the vehicle cannot conveniently be used for such service in any other road;

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

(d) where the person in control of it—

(i) is required by law to stop; or

(ii) is obliged to stop in order to prevent an accident; or

(iii) is prevented from proceeding by circumstances beyond their control;

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

Sealed with the Official Seal of the Department for Regional Development on 16th August 2010

(L.S.)

John White
A senior officer of the Department for Regional Development

(**a**) 2000 c. 26
(**b**) S.I. 1992/231 (N.I. 1)
(**c**) S.I. 1996/275 (N.I. 2)
(**d**) 1984 c.12 as amended by 2003 c. 21 Sch. 3 para. 2(2)