STATUTORY RULES OF NORTHERN IRELAND

2018 No. 199

ROAD TRAFFIC AND VEHICLES

The Parking Places on Roads and Waiting Restrictions (Magherafelt) Order (Northern Ireland) 2018

Made - - - -	*30th November 2018*
Coming into operation -	*21st December 2018*

The Department for Infrastructure(**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 suitable parking places for vehicles on the lengths of the roads specified in Schedule 1 and Articles 13 and 14.

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.

Citation, commencement and interpretation

1.—(1) This Order may be cited as The Parking Places on Roads and Waiting Restrictions (Magherafelt) Order (Northern Ireland) 2018 and shall come into operation on 21st December 2018.

(2) In this Order—

"medical practitioner" means a registered person within the meaning of the Medical Act 1983(**d**);

"parking place" means a length of road authorised by Article 2 to be used as a parking place;

(**a**) 2016 c. 5 (N.I.)
(**b**) S.I. 1997/276 (N.I. 2)
(**c**) S.R. 1999 No. 481 Article 6(*d*) and Schedule 4 Part IV
(**d**) 1983 c. 54

"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**);

"specified hours" means the hours between 8.30 a.m. and 6.30 p.m. on the days Monday to Saturday inclusive; 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 parking places on the lengths of the roads 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 specified in Schedule 1 unless it is wholly within a parking space where such has been marked out.

Maximum period of waiting in 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 specified in Schedule 1 for longer than 2 hours;

(b) a person shall not leave or cause that vehicle to be left again in that parking place until the expiration of 3 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.

Exceptions

5.—(1) Nothing in Articles 3 or 4(1) shall render it unlawful to leave or cause a vehicle to be left in a parking place specified in Schedule 1 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 it 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 3 hours from the time that vehicle is removed from that parking place provided that such boarding and 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 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 parking place of postal packets;

(d) the vehicle, if it cannot conveniently be used for such purposes outside that parking place, 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;

(**a**) 2000 c. 26

(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 a 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 laying, erection, alteration or repair of any electronic communications apparatus as defined in Schedule 2 to the Telecommunications Act 1984(**c**); or

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

Suspension of the use of a parking place

6. The Department may suspend the use of a parking place specified in Schedule 1 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; or

(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 communications apparatus as defined in Schedule 2 to the Telecommunications Act 1984;

(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(**d**) 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 specified in Schedule 1 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 specified in Schedule 1 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 that person to remove it.

(**a**) S.I. 1992/231 (N.I. 1) as amended by S.I. 2003/419 (N.I. 6), S.R. 2007 No. 283, S.R. 2007 No. 284, S.R. 2007 No. 303, S.R. 207 No. 320, S.R. 2007 No. 321, S.I. 2007/913 (N.I. 7) and S.R. 2011 No. 155

(**b**) S.I. 1996/275 (N.I. 2) as amended by S.R. 2006 No. 358, S.R. 2011 No. 155 and S.R. 2013 No. 92

(**c**) 1984 c. 12 as amended by 2003 c. 21 Schedule 3 paragraph 2(2)

(**d**) S.I. 1995/3210 (N.I. 19)

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.

Lengths 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—

(a) at any time on a length of road specified in Part 1 or Part 2 of Schedule 2; or

(b) during the specified hours on a length of road specified in Part 3 or Part 4 of Schedule 2.

Exceptions to prohibition of waiting

12.—(1) Nothing in Article 11 shall render it unlawful to cause or permit a vehicle to wait on the carriageway of a length of road specified in Schedule 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 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 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 the collection from, premises situated adjacent to the length of road of postal packets;

(d) the vehicle, if it cannot conveniently be used for such purposes outside that length or 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.

(2) Nothing in Article 11 shall render it unlawful to cause or permit a vehicle to wait on the carriageway of a length of road specified in Part 1 or Part 3 of Schedule 2 for so long as may be reasonably necessary to enable goods to be loaded or unloaded from the vehicle.

(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 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.

Amendments to loading bays order

13.—(1) The Loading Bays and Parking Places on Roads Order (Northern Ireland) 2017(**a**) is amended in accordance with paragraphs (2) to (5).

(2) For Article 4 substitute the following:—

"**Maximum period of waiting and further use of a parking place on Saturday**

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—

(i) a vehicle to be left in a parking place specified in Part 1 of Schedule 1 for longer than 1 hour;

(ii) 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) a person shall not leave or cause—

(i) a vehicle to be left in a parking place specified in Part 2 of Schedule 1 for longer than 2 hours;

(ii) that vehicle to be left again in that parking place, until the expiration of 3 hours from the time that vehicle is removed from that parking place.

(2) The prohibitions of paragraph (1) shall not apply to a disabled person's vehicle."

(3) For Article 5(1)(a) substitute the following:—

"(a) a person to board or alight from a vehicle left in a parking place—

(i) specified in Part 1 of Schedule 1 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; or

(ii) specified in Part 2 of Schedule 1 before the expiration of 3 hours 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;"

(4) For Part 2 of Schedule 1 substitute the following—

"PART 2

Maximum Stay — 2 hours no return within 3 hours

1.	Church Street, Magherafelt (south side in a lay-by) – from a point 27 metres east of its junction with Broad Street for a distance of 17 metres.	8.30 a.m. to 6.30 p.m.	Saturday
2.	Market Street, Magherafelt (north-east side) – from a point 41.5 metres south-east of its junction with The Diamond Roundabout for a distance of 13.5 metres.	8.30 a.m. to 6.30 p.m.	Saturday

(**a**) S.R. 2017 No. 130