1994 No. 134

ROAD TRAFFIC AND VEHICLES

Off-Street Parking Bye-Laws (Northern Ireland) 1994

Made	*31st March 1994*
Coming into operation . .	*4th April 1994*

The Department of the Environment in exercise of the powers conferred on it by Article 105(1) of the Road Traffic (Northern Ireland) Order 1981(**a**) and of all other powers enabling it in that behalf, makes the following bye-laws:

Citation, commencement and interpretation

1.—(1) These bye-laws may be cited as the Off-Street Parking Bye-Laws (Northern Ireland) 1994 and shall come into operation on 4th April 1994.

(2) In these bye-laws—

"designated car park" means any car park specified in Part III of Schedule 1;

"disabled person's vehicle" means a vehicle lawfully displaying a badge of a form prescribed under Section 14 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978(**b**);

"driver" means the person who whether as owner or otherwise has the charge or control of a vehicle or being present is entitled to give orders to the person having charge or control thereof;

"intoxicating liquor" means spirits, wine, beer, cider and any fermented, distilled or spirituous liquor with an alcohol content exceeding 1.2 per cent by volume;

"light goods vehicle" means a motor vehicle, constructed or adapted for use for the carriage of goods, the permissible maximum weight of which does not exceed 3.5 tonnes;

"motor car" means a mechanically propelled vehicle constructed solely for the carriage of passengers and their effects, seating not more than 6 persons in addition to the driver;

"motor cycle" means a mechanically propelled vehicle not being an invalid carriage or motor car having fewer than 4 wheels and the weight of which unladen does not exceed 410kgs;

"parking bay" means a space which is marked out in a parking place for the leaving of a vehicle;

(**a**) S.I. 1981/154 (N.I. 1); *see* Article 2(2) for the definition of "Department"
(**b**) 1978 c. 53

"pay and display machine" means an apparatus approved by the Department for the purposes of these bye-laws being an apparatus designed to issue a ticket indicating the day and time at which it was issued and the number of hours for which it is valid.

Use of parking places

2. Each area of land specified by name in column 1 of Part I of Schedule 1 may be used subject to the provisions of these bye-laws as a parking place for such classes of vehicles, in such positions and on such days and during such hours and on payment of such charges as are specified in relation to that area in Part II of Schedule 1.

3. Where in Part I of Schedule 1 a parking place is described as available for vehicles of a specified class or in a specified position, the driver of a vehicle shall not permit it to wait in that parking place—

(*a*) unless it is of the specified class; or

(*b*) in a position other than that specified.

4. The driver of a vehicle, other than a disabled person's vehicle, shall not permit it to wait in a parking bay indicated by a sign as being reserved for a disabled person's vehicle.

5. The driver of a vehicle shall not permit it to wait in a parking place for longer than the maximum period permitted for waiting specified in Part I of Schedule 1 in relation to that parking place.

6. The driver of a vehicle using a parking place shall pay the appropriate charge in accordance with the scale of charges specified in Part II of Schedule 1.

7.—(1) Save as provided for in bye-law 10, in a parking place where charges are collected by means of a pay and display machine payment shall be made on parking the vehicle, by inserting into the machine a coin or combination of coins of appropriate denominations in payment of the charge relative to the period of time then chosen for which the machine will issue a ticket indicating the date and time of payment and the number of hours for which it is valid or the date and time at which the vehicle ought to leave the parking place.

(2) The driver of a vehicle shall not permit it to wait in a parking place longer than the period of time for which payment has been made in accordance with paragraph (1) unless a further payment is made in accordance with that paragraph.

8. The driver shall place the ticket issued in accordance with bye-law 7 on the vehicle in the following manner—

(*a*) in the case of a motor car or a light goods vehicle on the inside surface of the windscreen or on the dashboard area immediately below the windscreen on the inside of the vehicle so that the particulars recorded

on the front of the ticket are clearly visible to a person standing at the front of the vehicle; and

(*b*) in the case of any other vehicle in a conspicuous position in front of the driving seat.

9. Where a vehicle is left parked in a parking place where charges are collected by means of a pay and display machine and the particulars on the ticket displayed on the vehicle in accordance with the provisions of bye-law 8 indicate that the period in respect of which payment was made has expired, for the purposes of any proceedings for an offence under bye-law 27 it shall be presumed, unless the contrary is proved, that said particulars are accurate.

10.—(1) The Department may on application from the driver or owner of a vehicle sell to him a season ticket on payment of the appropriate charge referred to in bye-law 6.

(2) A season ticket shall be valid only in respect of such parking places as are specified thereon for the period for which it is issued and for the vehicle in respect of which it is issued.

(3) The Department may by notice in writing served on the season ticket holder by recorded delivery post to the address stated on the season ticket holder's application, cancel a season ticket where:

(i) the season ticket holder has not complied with the current off-street parking bye-laws; or

(ii) a season ticket has been issued upon receipt of a cheque and the cheque is subsequently dishonoured; or

(iii) the season ticket holder has ceased to have an interest in the vehicle in respect of which the season ticket was issued.

(4) The issue of a season ticket shall not guarantee that any parking place will be available for the use of the season ticket holder.

(5) A season ticket shall include the following particulars:

(i) the registration mark of the vehicle in respect of which the season ticket has been issued;

(ii) the period during which the season ticket shall remain valid; and

(iii) the names of the parking places for which the season ticket is valid.

(6) Where a vehicle in respect of which a season ticket has been issued is left parked in a parking place the driver shall display the ticket in a conspicuous position behind the windscreen of that vehicle so as to be clearly visible to the Department's representative.

11. The driver of a vehicle using a parking place shall stop the engine as soon as the vehicle is in position in the parking place and shall not start the engine except when about to change the position of the vehicle in or to depart from the parking place.

12. A person shall not use a parking place in connection with the sale of anything to persons in or near the parking place or in connection with the selling or offering for hire of his skill or services.

13. Where a vehicle is left in a parking place in contravention of any of the provisions of bye-laws 3, 4, 5, 6, 12 or 21 a person authorised in that behalf by the Department may remove the vehicle or arrange for it to be removed from that parking place.

14. Any person removing or altering the position of a vehicle by virtue of bye-law 13 may do so by towing or driving the vehicle or in such other manner as he may think necessary and may take such measures in relation to the vehicle as he may think necessary to enable him to remove it or alter its position, as the case may be.

15. When a person authorised by the Department removes or makes arrangements for the removal of a vehicle from a parking place by virtue of bye-law 13 he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.

16. If a vehicle is waiting in a parking place in contravention of the provision of bye-law 3(*b*) a person authorised in that behalf by the Department may alter or cause to be altered the position of the vehicle in order that its position shall comply with that provision.

17. The driver of a vehicle using a parking place shall not sound any horn or other similar instrument except when about to change the position of the vehicle in or to depart from the parking place.

18. A person shall not, except with the permission of any person duly authorised by the Department, drive any vehicle in a parking place other than for the purpose of leaving that vehicle in the parking place in accordance with the provision of these bye-laws or for the purpose of departing from the parking place.

19. A person shall not in a parking place play any ball game or wantonly shout or otherwise make any loud noise to the disturbance or annoyance of users of the parking place or residents of premises in the neighbourhood.

20. A person shall not in a parking place use any threatening, abusive or insulting language, gesture or conduct with intent to put any person in fear or so as to occasion a breach of the peace or whereby a breach of the peace is likely to be occasioned.

21. A person shall not use any part of a parking place or any vehicle left in a parking place—

(*a*) for sleeping or camping purposes;

(*b*) for eating or cooking purposes; or

(*c*) for the purposes of servicing or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place.

22. A person shall not use a parking place as a means of passage from one road to another road.

23. A person shall not use a parking place or any vehicle in a parking place in a designated car park for the purpose of consuming intoxicating liquor.

24. Where in a parking place signs are erected or surface markings are laid for the purpose of—

(*a*) indicating the entrance to or exit from the parking place; or

(*b*) indicating that a vehicle using the parking place shall proceed in a specified direction within the parking place;

a person shall not drive or cause or permit to be driven any vehicle—

(i) so that it enters the parking place otherwise than by an entrance, or leaves the parking place otherwise than by an exit, so indicated; or

(ii) in a direction other than that specified, as the case may be.

25. In a parking place a person shall not—

(*a*) erect or cause or permit to be erected any tent, booth, stand, building or other structure without the written consent of the Department;

(*b*) light or cause to be lit any fire.

26.—(1) A person shall not cause or permit a supermarket trolley to enter a parking place in or under a building and any trolley so left may be removed by a person authorised by the Department.

(2) A person authorised by the Department may remove a supermarket trolley from any other parking place if he considers that it is in such a position as to cause or to be likely to cause any obstruction or danger.

27. Any person who contravenes a bye-law shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £100 for each offence.

Revocation

28. The Bye-Laws specified in Schedule 2 are hereby revoked.

Sealed with the Official Seal of the Department of the Environment on 31st March 1994.

(L.S.) *E. J. Galway*
Assistant Secretary