1987 No. 410

ROAD TRAFFIC AND VEHICLES

On-Street Parking Bye-Laws (Northern Ireland) 1987

Made . . . . . *2nd November 1987*

Coming into operation . . *16th November 1987*

WHEREAS the Department of the Environment in compliance with Article 107(2) of the Road Traffic (Northern Ireland) Order 1981(**a**) has considered both the interests of traffic and those of the owners and occupiers of adjoining property;

AND WHEREAS notice has been published in compliance with Article 108(1) of that Order;

AND WHEREAS the Department in compliance with Article 108(2) of that Order has taken such other steps as appear to it reasonably practicable for the purpose of bringing specifically to the knowledge of persons likely to be specially affected, as the owners of land adjacent to the parking places to be designated, information as to the matters specified in Article 108(1)(*a*) to (*c*) of that Order;

AND WHEREAS the Department in compliance with Article 109(2) of that Order has considered all information furnished to it;

AND WHEREAS nine objections have been received and have been duly considered and notice of the Department's decision given to the persons by whom the objections were made;

NOW THEREFORE the Department in exercise of the powers conferred on it by Articles 107(1), 109(2), 110, 111(1) and (2) of the Road Traffic (Northern Ireland) Order 1981 and of every other power enabling it in that behalf, makes the following bye-laws:—

Citation, commencement and interpretation

1.—(1) These bye-laws may be cited as the On-Street Parking Bye-Laws (Northern Ireland) 1987 and shall come into operation on 16th November 1987.

(2) In these bye-laws:—

"controlled parking zone" means an area in which all roads have been marked, except where parking places have been designated, with one or more of the road markings shown in diagram 1016:1 to 1021 of the

(a) S.I. 1981/154 (N.I. 1)

Traffic Signs Regulations (Northern Ireland) 1979(**a**), the entrances for vehicular traffic into the area being indicated by a sign shown in diagram 806 of those regulations;

"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 410 kgs;

"the Order" means the Road Traffic (Northern Ireland) Order 1981;

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

"parking place" means the road or parts of a road within a controlled parking zone designated as parking places under bye-law 4;

"pay and display machine" means an apparatus approved by the Department for the purposes of these bye-laws under Article 110(2)(*a*)(ii) of the Order;

"specified hours" means the permitted days and hours specified in Part 3 of the Schedule when charges are made for parking in a parking space.

Control of parking in a controlled parking zone

2. Subject to bye-laws 3 and 8 a person shall not, except upon the direction or with the permission of a constable in uniform or of a traffic warden, cause or permit a vehicle to wait during the specified hours in a controlled parking zone unless it is within the limits of a parking place.

Exemptions

3. Nothing in bye-law 2 shall render it unlawful to cause or permit any vehicle to wait within a controlled parking zone for so long as may be reasonably necessary to enable:—

(*a*) a person to board or alight from the vehicle;

(*b*) goods to be loaded onto or unloaded from the vehicle unless otherwise indicated by a traffic sign;

(*c*) the vehicle, if it cannot conveniently be used for such purpose outside the controlled parking zone, to be used by or on behalf of a district council or a Government Department in pursuance of statutory powers or duties;

(*d*) the vehicle to be used for the purpose of delivering or collecting postal packets;

(*e*) the vehicle to be used for fire brigade, ambulance, police, or customs purposes or for the purposes of the security forces;

(a) S.R. 1979 No. 386; the relevant amending regulations are S.R. 1982 No. 389 and S.R. 1984 No. 58

(*f*) the vehicle to wait where the person in control of it is prevented from proceeding by circumstances beyond his control or to avoid an accident.

Designation and use of parking places in controlled parking zones

4. Each road or length of road specified in the second column of Part 1 of the Schedule is designated as a parking place in a controlled parking zone for the classes of vehicle specified in relation thereto in the third column for the maximum period specified in relation thereto in the fourth column.

5. Where in Part 1 of the Schedule a parking place is specified as being permitted for vehicles of a class described in Part 2 of that Schedule the driver of a vehicle shall not leave it in that parking place unless it is of one of that class.

6. The driver of a vehicle shall not leave it in a parking place unless it is wholly within a parking space where such has been marked out.

7. The driver of a vehicle shall not leave it in a parking place for longer than the period permitted for waiting specified in Part 1 of the Schedule.

8.—(1) 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 operation outside the parking place, to be used in connection with any of the following operations:

(i) building, repair or demolition, 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 telecommunication apparatus as defined in paragraph 1(1) of the Telecommunications Act 1984(**a**);

(*b*) the implementation of any traffic management scheme.

(2) A constable in uniform may suspend the use of a parking place or any part thereof for such period not exceeding 24 hours as may be necessary for the purpose of facilitating the movement of traffic or in the interests of safety.

Payment of charges

9.—(1) The driver of a vehicle leaving it in a parking place during the specified hours shall pay the appropriate charge in accordance with the scale of charges specified in Part 4 of the Schedule.

(a) 1984 c. 12