1986 No. 4

ROAD TRAFFIC AND VEHICLES

Urban Clearways (Londonderry) Order (Northern Ireland) 1986

Made . . . . . 10th January 1986

Coming into operation . . . 24th February 1986

WHEREAS the Department of the Environment has published a notice in compliance with Article 23(1) and (2) of the Road Traffic (Northern Ireland) Order 1981(**a**);

AND WHEREAS no objection has been received;

NOW THEREFORE the Department in exercise of the powers conferred on it by Article 21(1) of the Road Traffic (Northern Ireland) Order 1981 and of every other power enabling it in that behalf makes the following Order:—

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Urban Clearways (Londonderry) Order (Northern Ireland) 1986 and shall come into operation on 24th February 1986.

(2) In this Order:—

"carriageway" means a way constituted or comprised in a road being a way over which the public have a right of way for passage of vehicles but does not include a lay-by;

"lay-by" means a surfaced area adjacent to the carriageway intended for the waiting of vehicles;

"specified road" means the carriageway of any road or length of road specified in column 1 of the Schedule;

"statutory undertaker" means persons authorised by a statutory provision to carry on a railway, canal, inland navigation, dock, harbour, gas, electricity, telecommunications, postal services or other public undertaking.

Revocation

2. The Londonderry (Clearways) Bye-laws (Northern Ireland) 1976(**b**) are revoked.

Control of waiting

3. Save as provided in Article 4 no person shall cause or permit a vehicle to wait wholly or partly in a specified road during the hours and on the days specified in columns 2 and 3 of the Schedule respectively.

Exemptions

4.—(1) Nothing in Article 3 shall render it unlawful to cause or permit a vehicle to wait in a specified road for so long as may be necessary:—

(**a**) S.I. 1981/154 (N.I. 1)
(**b**) S.R. 1976 No. 280

(*a*) for a person to board or alight from the vehicle provided that such boarding or alighting does not cause the vehicle to wait in the same place for more than 2 minutes;

(*b*) for the collection or delivery of postal packets as defined in section 87 of the Post Office Act 1953(**a**);

(*c*) 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 otherwise than in a specified road while such gate or barrier is opened or closed;

(*d*) to enable the vehicle, if it cannot conveniently be used for such purpose in any road not being a specified road, to be used in connection with:—

(i) any building, repair or demolition operations;

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

(iii) the maintenance, improvement or reconstruction of a specified road.

(2) For the purpose 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.

(3) The provisions of Article 3 shall not apply to a vehicle:—

(*a*) being used in an emergency for fire brigade, 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*) where the person in control of it:—

(i) is required by law to stop;

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

(iii) is prevented from proceeding by circumstances outside his control; or

(*d*) the driver of which is acting upon the direction or with the permission of a constable in uniform or of a traffic warden.

5. The restrictions imposed by this Order shall be in addition to and not in derogation of any restriction or requirement imposed by the Road Traffic (Northern Ireland) Order 1981 or by a statutory provision made thereunder.

Sealed with the Official Seal of the Department of the Environment on 10th January 1986.

(L.S.) *J. Cowan*

Assistant Secretary

(**a**) 1953 c. 36