1993 No. 416

ROAD TRAFFIC AND VEHICLES

Verges (Prohibition of Waiting) (Londonderry) Order (Northern Ireland) 1993

Made . . . . . *12th October 1993*

Coming into operation . . *24th November 1993*

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 or representation 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 Verges (Prohibition of Waiting) (Londonderry) Order (Northern Ireland) 1993 and shall come into operation on 24th November 1993.

(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;

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

"clearway" means the carriageway of any road or part of a road on which traffic signs of the type shown in diagram 642 or in diagram 646 in Schedule 1 to the Traffic Signs Regulations (Northern Ireland) 1979(**b**) have been erected on one or both sides;

"cycle track" means any part of a road which is not a carriageway, over which the public have a right of way for the passage of pedal cycles;

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

"statutory undertaker" means persons authorised by a statutory provision to carry on a railway, canal, inland navigation, dock, harbour, gas,

(a) S.I. 1981/154 (N.I. 1); *see* Article 2(2) for the definition of "Department"
(b) S.R. 1979 No. 386

electricity, telecommunications, postal services or other public undertaking;

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

Control of waiting

2. Save as provided in Article 3 no person shall cause or permit a motor vehicle to wait at any time wholly or partly on the verges adjacent to the clearways specified in the Schedule.

Exemptions

3. The provisions of Article 2 shall not apply to a motor 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 a 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.

4. 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 12th October 1993.

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

SCHEDULE

All in the city of Londonderry—

Foyle Bridge and its approach roads, from the junction with Culmore Roundabout to the junction with Caw Roundabout.

Foyle Embankment, from its junction with Foyle Road to its junction with Strand Road — excluding the service roads to the Guildhall and the Telephone Exchange.

King Street.

Mill Street.

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order prohibits the waiting by motor vehicles at any time, on the verges adjacent to the following roads and lengths of road in Londonderry—

Foyle Bridge and its approach roads, from the junction with Culmore Roundabout to the junction with Caw Roundabout;

Foyle Embankment, from its junction with Foyle Road to its junction with Strand Road — excluding the service roads to the Guildhall and the Telephone Exchange;

King Street;

Mill Street.

Provision is made in Article 3 to exempt motor vehicles in certain circumstances.

Any person who acts in contravention of the Order shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale (£400).

Traffic signs indicating the effect of the Order have been erected on the roads.