STATUTORY RULES OF NORTHERN IRELAND

2014 No. 281

ROAD TRAFFIC AND VEHICLES

The Parking and Waiting Restrictions (Fivemiletown) Order (Northern Ireland) 2014

Made - - - -	*17th November 2014*
Coming into operation	*8th December 2014*

The Department for Regional Development(**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 road specified in Schedule 1.

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 and Waiting Restrictions (Fivemiletown) Order (Northern Ireland) 2014 and shall come into operation on 8th December 2014.

(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**) S.I. 1999/283 (N.I. 1) Article 3(1)
(**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 8.00 a.m. and 7.00 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 of the lengths of road specified in Schedule 1 is authorised.

Position within a parking place

3. Save as provided for in Article 5, a person shall not leave or cause a vehicle to be left in a parking place 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 1 hour 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 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 left in a parking place 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;

(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 purpose 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;

(iv) by or on behalf of a sewerage undertaker or a water undertaker in connection with the discharge of that undertaker's functions;

(**a**) 2000 c. 26

(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(**a**) or of a licence granted under Article 8 of the Gas (Northern Ireland) Order 1996(**b**); 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(**c**).

(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 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 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 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)
(**b**) S.I. 1996/275 (N.I. 2)
(**c**) 1984 c. 12 as amended by 2003 c. 21 Sch. 3 para. 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) on a length of road specified in Schedule 2 at any time; or

(b) on a length of road specified in Schedule 3 during the hours between 8.00 a.m. to 7.00 p.m. on the days Monday to Saturday inclusive.

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 or 3 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 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 of 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 Schedule 3 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.

Revocations

13. The Orders specified in Schedule 4 are revoked.

Sealed with the Official Seal of the Department for Regional Development on 17th November 2014

(L.S.)

G F McKenna
A senior officer of the Department for Regional Development

SCHEDULE 1

Articles 1(2) and 2

Parking Places in Fivemiletown — Monday to Saturday 8.00 a.m. to 7.00 p.m. — Maximum Stay 2 hours no return within 1 hour

1. Cooneen Road (north-east side) – from a point 15 metres south-east of its junction with Main Street, for a distance of 15 metres in a south-easterly direction.
2. Main Street (north-west side) – from a point 15 metres south-west of its eastern junction with Edfield Way, for a distance of 33 metres in a south-westerly direction.
3. Main Street (north-west side) – from a point 67 metres south-west of its eastern junction with Edfield Way, for a distance of 40 metres in a south-westerly direction.
4. Main Street (north-west side) – from a point 124 metres south-west of its eastern junction with Edfield Way, for a distance of 19 metres in a south-westerly direction.
5. Main Street (north-west side) – from a point 149 metres south-west of its eastern junction with Edfield Way, for a distance of 43 metres in a south-westerly direction.
6. Main Street (north-west side) – from a point 197 metres south-west of its eastern junction with Edfield Way, for a distance of 39 metres in a south-westerly direction.
7. Main Street (north-west side) – from a point 240 metres south-west of its eastern junction with Edfield Way, for a distance of 16 metres in a south-westerly direction.
8. Main Street (north-west side) – from a point 276 metres south-west of its eastern junction with Edfield Way, for a distance of 25 metres in a south-westerly direction.
9. Main Street (north-west side) – from a point 34 metres south-west of its western junction with Edfield Way, for a distance of 18 metres in a south-westerly direction.
10. Main Street (north-west side) – from a point 63 metres south-west of its western junction with Edfield Way, for a distance of 10 metres in a south-westerly direction.
11. Main Street (north-west side) – from a point 78 metres south-west of its western junction with Edfield Way, for a distance of 10 metres in a south-westerly direction.

SCHEDULE 2

Article 11

No Waiting at any Time in Fivemiletown (Loading and Unloading not Permitted)

U7007 Ballylurgan Road (east and north sides) – from a point 27 metres south-east of its junction with Main Street, for a distance of 37 metres in a south-easterly and then north-easterly direction.

SCHEDULE 3

Article 11

No Waiting in Fivemiletown — Monday to Saturday 8.00 a.m. to 7.00 p.m. (Loading and Unloading Permitted)

1. Cooneen Road (north-east side) – from a point 40 metres south-east of its junction with Main Street, for a distance of 40 metres in a south-easterly direction.
2. Main Street (north-west side) – from a point 48 metres south-west of its eastern junction with Edfield Way, for a distance of 19 metres in a south-westerly direction.
3. Main Street (north-west side) – from a point 107 metres south-west of its eastern junction with Edfield Way, for a distance of 17 metres in a south-westerly direction.
4. Main Street (north-west side) – from a point 256 metres south-west of its eastern junction with Edfield Way, for a distance of 14 metres in a south-westerly direction.
5. Main Street (north-west side) – from a point 15 metres south-west of its western junction with Edfield Way, for a distance of 19 metres in a south-westerly direction.

SCHEDULE 4

Article 13

Revocations

1. The Parking Places on Roads (Fivemiletown) Order (Northern Ireland) 2008(**a**).

2. The Waiting Restrictions (Fivemiletown) Order (Northern Ireland) 2009(**b**).

3. The Parking Places on Roads (Fivemiletown) (Amendment) Order (Northern Ireland) 2009(**c**).

4. The Waiting Restrictions (Fivemiletown) Order (Northern Ireland) 2013(**d**).

(**a**) S.R. 2008 No. 309
(**b**) S.R. 2009 No. 23
(**c**) S.R. 2009 No. 24
(**d**) S.R. 2013 No. 11

EXPLANATORY NOTE

(This note is not part of the Order)

This Order authorises the use as parking places of the lengths of road specified in Schedule 1 (Article 2) and prescribes the conditions under which the parking places may be used (Articles 3, 4 and 7). Vehicles are excepted from the conditions in certain circumstances (Article 5). The Order also makes provision for the suspension of the use of a parking place (Article 6) and for the removal of a vehicle from a parking place in an emergency (Articles 8 and 9) and for its safe custody (Article 10).

The Order also prohibits vehicles from waiting (Article 11) on the lengths of road specified in Schedules 2 and 3. Vehicles are excepted from the prohibition in certain circumstances (Article 12).

The Order also revokes the Orders specified in Schedule 4.

A penalty charge (£90) is payable with respect to a vehicle involved in a contravention of the Order in accordance with the Traffic Management (Northern Ireland) Order 2005 and The Penalty Charges (Prescribed Amounts) Regulations (Northern Ireland) 2006.

Traffic signs indicating the effect of the Order will in due course be placed on the roads.