
STATUTORY INSTRUMENTS

1994 No. 1896

The Litter (Northern Ireland) Order 1994

Clearing and cleaning land and roads

Roads: supplementary provisions

8.—(1) A district council, when discharging its duty under Article 7(1)(a) or (2)(a) as respects any relevant road, shall place and maintain on the road such traffic signs and barriers as may be necessary for giving warning and preventing danger to traffic or for regulating it and afterwards shall remove them as soon as they cease to be necessary for those purposes; but this paragraph has effect subject to any directions given under paragraph (2).

(2) In discharging its duty under Article 7(1)(a) or (2)(a) to keep clear of litter or to clean any relevant road for which it is responsible, the district council shall comply with any directions given to it by the Department with respect to—

- (a) the placing and maintenance of any traffic signs or barriers;
- (b) the days or periods during which clearing or cleaning shall not be undertaken or undertaken to any extent specified in the direction;

and for the purpose of enabling it to discharge its duty under Article 7(1)(a) or (2)(a) as respects any relevant road the district council may apply to the Department for the Department to exercise its powers under Article 24(1) or 25(1) of the Road Traffic (Northern Ireland) Order 1981(1) (temporary prohibition or restriction of traffic).

(3) Where in the case of any road the Department or, as the case may be, the district council considers that, in order to facilitate the clearing or cleaning of the road on a particular day (“the relevant day”), it is appropriate to prohibit the parking of vehicles on the road during certain hours of the relevant day, the Department or the council may give notice in accordance with the following provisions of this Article prohibiting such parking.

(4) Such a notice must specify the road, the relevant day and the hours in question; and a copy of the notice must—

- (a) be served on the occupier of any premises adjoining the road; and
- (b) be conspicuously displayed at places on the road.

(5) The effect of the giving of such a notice and of the service and display of copies of it as required by paragraph (4) shall be to suspend during the hours of the relevant day specified in the notice the operation of any provision made by or under the Road Traffic (Northern Ireland) Order 1981 which authorises, designates or regulates the use of a parking place on the road.

(6) Where the Department or the council gives such a notice it shall cover up traffic signs and parking meters on the road during the hours of the relevant day specified in the notice, but without prejudice to the effect of the notice.

(7) If, either before or during the hours on the relevant day which are specified in a notice given by the Department or the council as mentioned in paragraph (3), the Department or the council displays notices on the road stating that the prohibition on parking is not to come into force or is to cease to

be in force, the effect of the notices under this paragraph shall be to prevent the prohibition coming into force or, as the case may be, to terminate it.

(8) Where any parking on the road is, under a notice given as mentioned in paragraph (3), prohibited during specified hours on the relevant day, no right of action shall accrue to any person by reason of the fact that all or some of the clearing or cleaning of the road which the Department or, as the case may be, the district council proposes to do or has done during those hours is not clearing or cleaning which the Department or that council has or had power to do if the other of those persons has or had power to do it.

(9) Any reference in this Article to a road includes any road on which the parking of vehicles is, apart from this Article, authorised by virtue of any statutory provision whether on payment or free of charge; and where the parking of vehicles on that road is prohibited under this Article a person shall not be entitled to recover any sum paid by him in respect of the parking of a vehicle there.

(10) In this Article “parking meter” has the meaning assigned to it by Article 110(2)(a) of the Road Traffic (Northern Ireland) Order 1981(2) and “parking place” and “traffic sign” have the meanings assigned to them by Article 2(2) of that Order.