

## 1982 No. 44

## ROAD TRAFFIC AND VEHICLES

## Roads (Restriction of Waiting) Order (Northern Ireland) 1982

Made . . . . . 18th February 1982

Coming into operation . . . . . 22nd March 1982

WHEREAS the Department of the Environment (in this Order referred to as "the Department") is of the opinion that vehicles should be restricted or prohibited from waiting in such road or part of a road as may be indicated from time to time by traffic signs displayed in or on the road for that purpose;

AND WHEREAS notice has been published, served and displayed in compliance with Article 23(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 hereby makes the following order:

*Citation, commencement and interpretation*

1.—(1) This order may be cited as the Roads (Restriction of Waiting) Order (Northern Ireland) 1982 and shall come into operation on 22nd March 1982.

(2) In this order:

"bus" means a public service vehicle constructed or adapted to carry 12 or more passengers;

"carriageway" means a way constituted or comprised in a road being a way over which the public have a right of way for the passage of vehicles;

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

"motor hackney carriage" means a public service vehicle seating not more than 6 persons in addition to the driver.

*Revocation*

2. The Roads (Restriction of Waiting) Order (Northern Ireland) 1979(b) is hereby revoked.

*Prohibition of waiting in contravention of traffic signs*

3. Save as provided in Article 4 no person shall, 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 in a public road in contravention of a traffic sign erected or displayed thereon or therein by the Department, for the purpose of prohibiting or restricting the waiting of vehicles on that road during the periods indicated by such signs.

*Exemptions*

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

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

(b) S.R. 1979 No. 400

- (a) a person to board or alight from the vehicle;
- (b) goods to be loaded on or unloaded from a vehicle unless otherwise indicated by a traffic sign erected or displayed for the purpose of Article 3;
- (c) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any of the following operations:—
  - (i) building, repair or demolition works;
  - (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 or of any main, pipe, or apparatus for the supply of gas, water or electricity or of any telegraphic line as defined in the Telegraph Act 1878(a);
- (d) the vehicle, if it cannot conveniently be used for such purpose in any other road; to be used by or on behalf of a district council or a government department in pursuance of statutory powers or duties;
- (e) the vehicle to be used for the purpose of delivering or collecting postal packets as defined in section 87 of the Post Office Act 1953(b);
- (f) the vehicle to take in petrol, oil, water or air from any garage adjacent to the road or side of the road;
- (g) the vehicle to be used for fire brigade, ambulance, police or customs purposes;
- (h) the vehicle to wait where the person in control thereof is prevented from proceeding by circumstances beyond his control or to avoid an accident;
- (i) the vehicle to wait in a lay-by.

#### General

5. Save for the purposes and in the circumstances set out in Article 4(c), 4(f), 4(g) and 4(h) no person shall cause or permit a vehicle:—

- (a) to wait in a public road, except in a lay-by, within 15 metres of its junction with any other road the distance to be measured from the point where the prolongation of the nearest edge of carriageway of the intersecting road meets such road;
- (b) other than a bus to wait within the limits of any bus stop as delineated by markings on the carriageway;
- (c) to wait in such a position so as to obstruct access to any premises;
- (d) to wait in a carriageway except close to and alongside the edge thereof unless otherwise indicated by markings on the carriageway;
- (e) other than a motor hackney carriage standing or plying for hire to wait within the limits of any stand for motor hackney carriages as delineated by markings on the carriageway.

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 18th February 1982.

(L.S.)

W. P. McIlmoyle

Assistant Secretary

## EXPLANATORY NOTE

*(This note is not part of the Order.)*

This Order replaces with amendments the Roads (Restriction of Waiting) Order (Northern Ireland) 1979 and makes provision in respect of any public road for any of the following purposes:

- (a) prohibiting or restricting persons from causing or permitting any vehicle to wait in a public road in contravention of a traffic sign erected or displayed thereon;
- (b) exempting vehicles from any such prohibitions or restrictions; and
- (c) generally for regulating the waiting of vehicles in a public road.

*The principal changes are:*

- (a) Article 5 now permits the taking in of petrol from pumps situated within 15 metres of a road junction; and
- (b) Article 5(a) now permits waiting in lay-bys within 15 metres of a road junction.

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 £100.