

2012 No. 404

ROAD TRAFFIC AND VEHICLES

**The Parking Places on Roads (Belfast) Order (Northern Ireland)
2012**

Made - - - - *13th November 2012*

Coming into operation - *5th December 2012*

The Department for Regional Development^(a) makes the following Order in exercise of the powers conferred by Articles 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 a suitable parking place for vehicles on the length of road specified in Schedules 1 and 2.

The Department has consulted such persons as it considered appropriate in compliance with paragraphs 1 and 2 of Schedule 4 to the Road Traffic Regulation (Northern Ireland) Order 1997.

The Department has published a Notice in compliance with paragraphs 1 and 3 of that Schedule.

The Department in compliance with paragraph 3(4) of that Schedule has taken such other steps as appear to the Department reasonably practicable for the purpose of bringing specifically to the knowledge of occupiers of land adjacent to the parking place 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 Places on Roads (Belfast) Order (Northern Ireland) 2012 and shall come into operation on 5th December 2012.

(2) In this Order—

“medical practitioner” means a registered person within the meaning of the Medical Act 1983^(d);

“parking place” means the 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 the 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);

“statutory undertaker” means—

- (a) the railway undertaking within the meaning of the Transport Act (Northern Ireland) 1967(b);
- (b) any body or person authorised by any statutory provision to carry out any harbour or dock undertaking; and

“universal service provider” has the same meaning as in section 4(3) and (4) of the Postal Services Act 2000.

Authorisation of a parking place

- 2. The use as a parking place of the length of road specified in Schedules 1 and 2 is authorised.

Position within a parking place

- 3. Subject to Article 10, a person shall not leave or cause a vehicle to be left in the parking place unless it is wholly within a parking space where such has been marked out.

Suspension of the use of a parking place

- 4. The Department may suspend the use of the 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;
 - (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(c);
- (b) the implementation of any traffic management scheme;
- (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

- 5. A person not using a vehicle in connection with any of the undertakings specified in Article 4 shall not leave or cause that vehicle to be left in the parking place where the use of that parking place has been suspended by the Department in accordance with that Article.

(a) 2000 c. 26

(b) 1967 c. 37 (N.I.)

(c) 1984 c. 12 as amended by 2003 c. 21 Schedule 3 para. 2(2)

(d) S.I. 1995/3210 (N.I. 19)

Removal of a vehicle in an emergency

6. A person authorised by the Department may remove a vehicle from the parking place in an emergency.

Method of Removal of a vehicle

7. Any person removing a vehicle by virtue of Article 6 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.

Custody of a vehicle

8. When a person authorised by the Department removes or makes arrangement for the removal of a vehicle from the parking place by virtue of Article 6 that person shall make such arrangements as may be necessary for the safe custody of the vehicle.

Maximum period of waiting and further use of the parking place

9.—(1) Subject to paragraph (2) and save as provided in Article 10, between the hours of 11.00 a.m. and 6.00 p.m.—

- (a) a person shall not leave or cause a vehicle to be left in the parking place specified in Schedule 1 for longer than 1 hour;
- (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 persons' vehicle.

Exceptions to use as a parking place

10.—(1) Nothing in Articles 3 or 9(1) shall render it unlawful to leave or cause a vehicle to be left in the parking place between the hours of 11.00 a.m. and 6.00 p.m. 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 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, government department or statutory undertaker in pursuance of statutory powers or duties; or
 - (iv) by or on behalf of a sewerage undertaker or a water undertaker in connection with the discharge of that undertaker's functions; or

- (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; or
- (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.

Restricted use (loading bay) of the parking place (Schedule 2)

11.— Subject to Article 12, between the hours of 6.00 p.m. and 11.00 a.m. the driver of a vehicle shall not use the parking place specified in Schedule 2 other than for the purpose of the conveyance of goods to or from premises situated adjacent to that parking place where—

- (a) the goods by reason of their size or weight could not reasonably be conveyed to or from such premises otherwise than by means of a vehicle; and
- (b) the use is no longer than is necessary to convey those goods to or from those premises.

Exceptions to restricted use as a loading bay

12.—(1) Nothing in Article 11 shall render it unlawful to leave or cause a vehicle to be left in the 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) 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;
- (b) 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;
- (c) the vehicle, if it cannot be conveniently be used for such purpose outside that parking place, to be used—
 - (i) by or on behalf of a district council, government department or statutory undertaker in pursuance of statutory powers or duties; or
 - (ii) by or on behalf of a sewerage undertaker or a water undertaker in connection with the discharge of that undertaker's functions; or
 - (iii) 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 a licence granted under Article 8 of the Gas (Northern Ireland) Order 1996; or
 - (iv) in connection with the laying, erection, alteration or repair of any electronic communication apparatus as defined in Schedule 2 to the Telecommunications Act 1984.

(a) S.I. 1992/231 (N.I. 1)
 (b) S.I. 1996/275 (N.I. 2)

Sealed with the Official Seal of the Department for Regional Development on 13th November
2012

(L.S.)

D J Millar

A senior officer of the Department for Regional Development

SCHEDULE 1

Articles 2 and 9

Parking Place — 11.00 a.m. to 6.00 p.m. — Maximum stay 1 hour; No return within 1 hour

Castle Street, Belfast (south side) – from a point 24 metres west of its junction with Queen Street for a distance of 11 metres in a westerly direction

SCHEDULE 2

Articles 2 and 11

Loading Bay — 6.00 p.m. to 11.00 a.m.

Castle Street, Belfast (south side) – from a point 24 metres west of its junction with Queen Street for a distance of 11 metres in a westerly direction

EXPLANATORY NOTE

(This note is not part of the Order)

This Order authorises the use as a parking place of the length of road specified in Schedule 1 (Article 2) and prescribes the conditions under which the parking place may be used between the hours of 11.00 a.m. and 6.00 p.m. (Articles 3, 5 and 9). Vehicles are excepted from the conditions in certain circumstances (Article 10). The Order also makes provision for the suspension of the use of a parking place (Article 4), for the removal of a vehicle from a parking place in an emergency (Articles 6 and 7) and for its safe custody (Article 8).

Between the hours of 6.00 p.m. and 11.00 a.m., the parking place specified in Schedule 2 may be used as a loading bay for the use of all vehicles loading and unloading certain goods (Article 11). Vehicles are excepted from the provisions in certain circumstances (Article 12).

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 road.