

2016 No. 7

ROAD TRAFFIC AND VEHICLES

The Parking and Waiting Restrictions (Lurgan) Order (Northern Ireland) 2016

Made - - - - - *18th January 2016*

Coming into operation - *8th February 2016*

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 (Lurgan) Order (Northern Ireland) 2016 and shall come into operation on 8th February 2016.

(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); 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 the roads specified in Schedule 1 is authorised.

Position within a parking place

3. Save as provided 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—

- (a) a person shall not leave or cause a vehicle to be left in a parking place specified in—
 - (i) Part 1 of Schedule 1 for longer than 1 hour between the hours of 8.30 a.m. and 6.15 p.m. on the days Monday to Saturday inclusive;
 - (ii) Part 2 of Schedule 1 for longer than 1 hour between the hours of 8.30 a.m. and 6.15 p.m. on the days Monday to Wednesday inclusive and on Friday;
 - (iii) Part 3 of Schedule 1 for longer than 2 hours between the hours of 8.30 a.m. and 6.15 p.m. on the days Monday to Saturday inclusive;
- (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 purposes 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;

(a) 2000 c. 26

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

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.

(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)

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.

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 at any time on a length of road specified in Schedule 2.

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 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 Part 1 of Schedule 2 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 3 are revoked.

Sealed with the Official Seal of the Department for Regional Development on 18th January 2016

(L.S.)

G F McKenna

A senior officer of the Department for Regional Development

SCHEDULE 1

Articles 1(2) and 2

Parking Places in Lurgan

PART 1

Monday to Saturday inclusive — 8.30 a.m. to 6.15 p.m. — maximum stay 1 hour —
no return within 1 hour

1. Church Place (south-easterly carriageway – north-east side) – from a point 29 metres south-east of its junction with Church Walk for a distance of 20 metres in a south-easterly direction.
2. Church Place (south-easterly carriageway – north-east side) – from a point 55 metres south-east of its junction with Church Walk for a distance of 12 metres in a south-easterly direction.
3. Church Place (south-easterly carriageway – south-west side) – from a point 129 metres north-west of the opening in the central reservation opposite Castle Lane for a distance of 30 metres in a north-westerly direction.
4. Church Place (south-easterly carriageway – south-west side) – from a point 38 metres south-east of its junction with William Street for a distance of 36 metres in a south-easterly direction.
5. Church Place (south-westerly carriageway – north-west side) – from a point 19 metres south-west of its junction with the south-easterly carriageway of Church Place for a distance of 20 metres in a south-westerly direction.
6. Church Place (north-easterly carriageway – north-west side) – from a point 22 metres south-west of its junction with William Street for a distance of 41 metres in a south-westerly direction.
7. Church Place (north-easterly carriageway adjacent to War Memorial – south-east side) – from a point 9 metres south-west of its junction with the south-easterly carriageway of Church Place for a distance of 17 metres in a south-westerly direction.
8. Church Place (north-westerly carriageway – north-east side) – from a point 129 metres north-west of the opening in the central reservation opposite Carnegie Street for a distance of 32 metres in a north-westerly direction.
9. Church Place (north-westerly carriageway – south-west side) – from a point 136 metres north-west of its junction with Market Street/Carnegie Street for a distance of 23 metres in a north-westerly direction.
10. Church Place (westerly carriageway – south side) – from a point 14 metres east of its junction with Edward Street for a distance of 23 metres in an easterly direction.
11. Church Place (westerly carriageway – south side) – from a point 45 metres east of its junction with Edward Street for a distance of 18 metres in an easterly direction.
12. Edward Street (north side) – from a point 35 metres east of its junction with Shankill Street for a distance of 70 metres in an easterly direction.
13. Edward Street (north side) – from a point 6 metres east of its junction with Shankill Street for a distance of 25 metres in an easterly direction.
14. High Street (north-east side) – from a point 101 metres south-east of its junction with Windsor Avenue for a distance of 62 metres in a south-easterly direction.
15. High Street (north-east side) – from a point 166 metres south-east of its junction with Windsor Avenue for a distance of 49 metres in a south-easterly direction.
16. High Street (north-east side) – from a point 224 metres south-east of its junction with Windsor Avenue for a distance of 14 metres in a south-easterly direction.
17. High Street (north-east side) – from a point 35 metres south-east of its junction with Windsor Avenue for a distance of 10 metres in a south-easterly direction.

18. High Street (north-east side) – from a point 57 metres south-east of its junction with Windsor Avenue for a distance of 42 metres in a south-easterly direction.
19. High Street (south-west side) – from a point 108 metres south-east of its junction with Union Street for a distance of 31 metres in a south-easterly direction.
20. High Street (south-west side) – from a point 13 metres south-east of its junction with Union Street for a distance of 62 metres in a south-easterly direction.
21. High Street (south-west side) – from a point 153 metres south-east of its junction with Union Street for a distance of 41 metres in a south-easterly direction.
22. High Street (south-west side) – from a point 78 metres north-west of its junction with Malcolm Road for a distance of 45 metres in a north-westerly direction.
23. High Street (south-west side) – from a point 78 metres south-east of its junction with Union Street for a distance of 22 metres in a south-easterly direction.
24. Market Street (north-east side) – from a point 26 metres south-east of its junction with Castle Lane for a distance of 22 metres in a south-easterly direction.
25. Market Street (north-east side) – from a point 50 metres south-east of its junction with Castle Lane for a distance of 33 metres in a south-easterly direction.
26. Market Street (north-westerly carriageway – north-east side) – from a point 23 metres north-west of the opening in the central reservation opposite Carnegie Street for a distance of 36 metres in a north-westerly direction.
27. Market Street (north-westerly carriageway – north-east side) – from a point 72 metres north-west of the opening in the central reservation opposite Carnegie Street for a distance of 14 metres in a north-westerly direction.
28. Market Street (south-easterly carriageway – south-west side) – from a point 23 metres north-west of the opening in the central reservation opposite Castle Lane for a distance of 36 metres in a north-westerly direction.
29. Market Street (south-easterly carriageway – south-west side) – from a point 72 metres north-west of the opening in the central reservation opposite Castle Lane for a distance of 14 metres in a north-westerly direction.
30. Market Street (south-west side) – from a point 34 metres north-west of its junction with Union Street for a distance of 25 metres in a north-westerly direction.
31. Market Street (south-west side) – from a point 67 metres north-west of its junction with Union Street for a distance of 28 metres in a north-westerly direction.

PART 2

Monday to Wednesday inclusive and Friday — 8.30 a.m. to 6.15 p.m. — maximum stay 1 hour — no return within 1 hour

1. Market Street (south-easterly carriageway – south-west side) – from a point 91 metres north-west of the opening in the central reservation opposite Castle Lane for a distance of 14 metres in a north-westerly direction.
2. Market Street (north-westerly carriageway – south-west side) – from a point 102 metres north-west of its junction with Carnegie Street for a distance of 9 metres in a north-westerly direction.

PART 3

Monday to Saturday inclusive — 8.30 a.m. to 6.15 p.m. — maximum stay 2 hours —
no return within 1 hour

1. Carnegie Street (north-west side) – from a point 45 metres south-west of its junction with Market Street for a distance of 25 metres in a south-westerly direction.
2. Carnegie Street (north-west side) – from a point 80 metres south-west of its junction with Market Street for a distance of 20 metres in a south-westerly direction.
3. Carnegie Street (south-east side) – from a point 15 metres south-west of its junction with Market Street for a distance of 27 metres in a south-westerly direction.
4. Carnegie Street (south-east side) – from a point 55 metres south-west of its junction with Market Street for a distance of 49 metres in a south-westerly direction.
5. North Street (south-east side) – from a point 55 metres north-east of its junction with Church Place for a distance of 19 metres in a north-easterly direction.
6. North Street (south-east side) – from a point 77 metres north-east of its junction with Church Place for a distance of 19 metres in a north-easterly direction.
7. North Street (south-east side) – from a point 103 metres north-east of its junction with Church Place for a distance of 36 metres in a north-easterly direction.
8. North Street (south-east side) – from a point 153 metres north-east of its junction with Church Place for a distance of 19 metres in a north-easterly direction.
9. Union Street (north-west side) – from a point 25 metres south-west of its junction with Market Street for a distance of 50 metres in a south-westerly direction.
10. Union Street (north-west side) – from a point 90 metres south-west of its junction with Market Street for a distance of 20 metres in a south-westerly direction.
11. William Street (north-east side) – from a point 50 metres north-west of its junction with North Street for a distance of 145 metres in a north-westerly direction.
12. William Street (north-east side) – from a point 15 metres south-east of its junction with Brownlow Terrace for a distance of 35 metres in a south-easterly direction.
13. William Street (north-east side) – from a point 56 metres south-east of its junction with Brownlow Terrace for a distance of 65 metres in a south-easterly direction.
14. William Street (south-west side) – from a point 15 metres north-west of its junction with Charles Street for a distance of 12 metres in a north-westerly direction.
15. William Street (south-west side) – from a point 32 metres north-west of its junction with Charles Street for a distance of 115 metres in a north-westerly direction.
16. William Street (south-west side) – from a point 152 metres north-west of its junction with Charles Street for a distance of 37 metres in a north-westerly direction.
17. William Street (south-west side) – from a point 31 metres north-west of its junction with Brownlow Terrace for a distance of 21 metres in a north-westerly direction.
18. Windsor Avenue (north-west side) – from a point 15 metres north-east of its junction with Market Street for a distance of 115 metres in a north-easterly direction.

SCHEDULE 2

Article 11

Waiting Restrictions in Lurgan

PART 1

No Waiting at any time — Loading and unloading permitted

1. Church Place (south-easterly carriageway – north-east side) – from a point 15 metres south-east of its junction with Church Walk for a distance of 13 metres in a south-easterly direction.
2. Church Place (south-easterly carriageway – north-east side) – from a point 47 metres south-east of its junction with Church Walk for a distance of 6 metres in a south-easterly direction.
3. Church Place (south-westerly carriageway – all sides) – the traffic island between the War Memorial and Shankill Parish Church.
4. Church Place (westerly carriageway – south side) – from a point 37 metres east of its junction with Edward Street for a distance of 7 metres in an easterly direction.
5. Church Place (westerly carriageway – south side) – from a point 68 metres east of its junction with Edward Street for a distance of 18 metres in an easterly direction.
6. Demesne Avenue (east side) – from a point 15 metres north of its junction with Avenue Road for a distance of 30 metres in a north-easterly direction.
7. High Street (north-east side) – from a point 163 metres south-east of its junction with Windsor Avenue for a distance of 3 metres in a south-easterly direction.
8. High Street (north-east side) – from a point 45 metres south-east of its junction with Windsor Avenue for a distance of 3 metres in a south-easterly direction.
9. High Street (north-east side) – from a point 99 metres south-east of its junction with Windsor Avenue for a distance of 2 metres in a south-easterly direction.
10. High Street (south-west side) – from a point 124 metres north-west of its junction with Malcolm Road for a distance of 2 metres in a north-westerly direction.
11. High Street (south-west side) – from a point 139 metres south-east of its junction with Union Street for a distance of 14 metres in a south-easterly direction.
12. High Street (south-west side) – from a point 75 metres south-east of its junction with Union Street for a distance of 3 metres in a south-easterly direction.
13. Lurgan Park Access Road, off Avenue Road (north-east side) – from a point 15 metres north-west of its junction with Avenue Road for a distance of 38 metres in a north-westerly direction.
14. Market Street (north-east side) – from a point 48 metres south-east of its junction with Castle Lane for a distance of 2 metres in a south-easterly direction.
15. Market Street (north-westerly carriageway – north-east side) – from a point 57 metres north-west of the opening in the central reservation opposite Carnegie Street for a distance of 13 metres in a north-westerly direction.
16. Market Street (north-westerly carriageway – north-east side) – from a point 83 metres north-west of the opening in the central reservation opposite Carnegie Street for a distance of 5 metres in a north-westerly direction.
17. Market Street (north-westerly carriageway – north-east side) – from its junction with the opening in the central reservation opposite Carnegie Street for a distance of 22 metres in a north-westerly direction.
18. Market Street (north-westerly carriageway – south-west side) – from a point 62 metres north-west of its junction with Carnegie Street for a distance of 23 metres in a north-westerly direction.
19. Market Street (south-easterly carriageway – north-east side) – from a point 69 metres north-west of its junction with Castle Lane for a distance of 12 metres in a north-westerly direction.

20. Market Street (south-easterly carriageway – south-west side) – from a point 57 metres north-west of the opening in the central reservation opposite Castle Lane for a distance of 12 metres in a north-westerly direction.
21. Market Street (south-easterly carriageway – south-west side) – from a point 82 metres north-west of the opening in the central reservation opposite Castle Lane for a distance of 5 metres in a north-westerly direction.
22. Market Street (south-easterly carriageway – south-west side) – from its junction with the opening in the central reservation opposite Castle Lane for a distance of 22 metres in a north-westerly direction.
23. Market Street (south-west side) – from a point 67 metres north-west of its junction with Union Street for a distance of 2 metres in a north-westerly direction.
24. North Street (south-east side) – from a point 46 metres north-east of its junction with Church Place for a distance of 8 metres in a north-easterly direction.
25. North Street (south-east side) – from a point 74 metres north-east of its junction with Church Place for a distance of 3 metres in a north-easterly direction.
26. North Street (south-east side) – from a point 96 metres north-east of its junction with Church Place for a distance of 7 metres in a north-easterly direction.
27. North Street (south-east side) – from a point 139 metres north-east of its junction with Church Place for a distance of 14 metres in a north-easterly direction.
28. Parkview Street (south-east side) – from a point 33 metres north-east of its junction with Old Portadown Road for a distance of 7 metres in a north-easterly direction.
29. Queen Street (north-east side) – from a point 26 metres north-west of its junction with Queen’s Place for a distance of 26 metres.

PART 2

No Waiting at any time — Loading and unloading not permitted

1. Church Place (south side) – from its junction with Edward Street for a distance of 2 metres in an easterly direction.
2. Church Place (west side) – from its junction with Edward Street for a distance of 29 metres in a northerly direction.
3. Edward Street (north side) – from its junction with Church Place for a distance of 44 metres in a westerly direction.
4. Edward Street (south side) – from its junction with Church Place for a distance of 33 metres in a westerly direction.

SCHEDULE 3

Article 13

Revocations

1. The Waiting Restrictions (Lurgan) (No. 2) Order (Northern Ireland) 2010(a).
2. The Parking Places on Roads (Lurgan) Order (Northern Ireland) 2013(b).
3. The Waiting Restrictions (Lurgan) (No. 2) Order (Amendment) Order (Northern Ireland) 2014(c).
4. The Waiting Restrictions (Lurgan) (No. 2) Order (Amendment No. 2) Order (Northern Ireland) 2014(d).
5. The Parking Places on Roads (Lurgan) (Amendment) Order (Northern Ireland) 2014(e).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes and re-enacts the parking places and waiting restrictions in Lurgan contained in the provisions of the Orders specified in Schedule 3 (Article 13) and adds further parking places in North Street and William Street and waiting restrictions in North Street.

The Order authorises the use as parking places of lengths of road specified in Schedule 1 (Article 2). It prescribes the conditions under which the parking places may be used (Articles 3, 4, and 7). 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).

Vehicles are excepted from the conditions in certain circumstances (Article 5).

The Order also prohibits vehicles from waiting (Article 11) on the lengths of road specified in:—

- (a) Part 1 of Schedule 2 at any time (loading and unloading permitted);
- (b) Part 2 of Schedule 2 at any time (loading and unloading not permitted).

Vehicles are excepted from the prohibitions in certain circumstances

A penalty charge (£90) is payable with respect to a vehicle involved in a contravention of this 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.

(a) S.R. 2010 No. 392
(b) S.R. 2013 No. 97
(c) S.R. 2014 No. 256
(d) S.R. 2014 No. 270
(e) S.R. 2014 No. 282