

2017 No. 178

ROAD TRAFFIC AND VEHICLES

**The Parking Places, Loading Bay and Waiting Restrictions
(Downpatrick) Order (Northern Ireland) 2017**

Made - - - - - *4th September 2017*

Coming into operation - - - - - *25th September 2017*

The Department for Infrastructure^(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 the roads specified in Schedules 1 and 2.

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 Places, Loading Bay and Waiting Restrictions (Downpatrick) Order (Northern Ireland) 2017 and shall come into operation on 25th September 2017.

(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) 2016 c. 5 (N.I.)

(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 Schedules 1 and 2 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 for longer than 1 hour between the hours of 8.00 a.m. and 6.00 p.m.—
 - (i) in a parking place specified in Part 1 of Schedule 1 on the days Monday to Saturday inclusive;
 - (ii) in the parking place specified in Part 2 of Schedule 1 on Saturday;
- (b) a person shall not leave or cause a vehicle to be left again in a parking place specified in Schedule 1 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 to parking places

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); 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); 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) as amended by S.I. 2003/419 (N.I. 6), S.R. 2007 No. 283, S.R. 2007 No. 284, S.R. 2007 No. 303, S.R. 2007 No. 320, S.R. 2007 No. 321, S.I. 2007/913 (N.I. 7) and S.R. 2011 No. 155
 (b) S.I. 1996/275 (N.I. 2) as amended by S.R. 2006 No. 358, S.R. 2011 No. 155 and S.R. 2013 No. 92
 (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.

Restricted use (loading bay) of a certain parking place (Schedule 2)

11. Subject to Article 12, the driver of a vehicle shall not use the parking place specified in Schedule 2 on the days Monday to Friday inclusive between the hours of 8.00 a.m. to 6.00 p.m. 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 loading bay

12. Nothing in Article 11 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) 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 conveniently be used for such purpose outside that parking place, to be used—
 - (i) by or on behalf of a district council or a government department 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 of 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 communications apparatus as defined in Schedule 2 to the Telecommunications Act 1984.

Lengths of road on which vehicles must not wait

13. Save as provided in Article 14, a person shall not cause or permit a vehicle to wait at any time on the lengths of road specified in Schedule 3.

Exceptions to prohibition of waiting

14.—(1) Nothing in Article 13 shall render it unlawful to cause or permit a vehicle to wait on the carriageway of a length of road specified in Schedule 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.
- (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 a period exceeding 2 minutes whether or not the vehicle is moved during that period.

Revocation

15. The Waiting Restrictions (Downpatrick) Order (Northern Ireland) 2010(a) is revoked.

Sealed with the Official Seal of the Department for Infrastructure on 4th September 2017

(L.S.)

G F McKenna
A senior officer of the Department for Infrastructure

SCHEDULE 1

Article 2

PARKING PLACES IN DOWNPATRICK

PART 1

Parking limited to 1 hour with no return within 1 hour on Monday to Saturday, 8.00 a.m. to 6.00 p.m.

1. Irish Street (north-east side) – from a point 66.5 metres south-east of its junction with Scotch Street for a distance of 29 metres in a south-easterly direction.
2. Irish Street (south-west side) – from a point 23 metres north-west of its junction with Lynn Doyle Place for a distance of 54 metres in a north-westerly direction.

PART 2

Parking limited to 1 hour with no return within 1 hour on Saturday, 8.00 a.m. to 6.00 p.m.

Irish Street (north-east side) – from a point 101 metres south-east of its junction with Scotch Street for a distance of 16 metres in a south-easterly direction.

SCHEDULE 2

Articles 2 and 11

LOADING BAY IN DOWNPATRICK – Monday to Friday 8.00 a.m. to 6.00 p.m.

Irish Street (north-east side) – from a point 101 metres south-east of its junction with Scotch Street for a distance of 16 metres in a south-easterly direction.

SCHEDULE 3

Article 13

NO WAITING AT ANY TIME IN DOWNPATRICK (loading and unloading permitted)

1. Irish Street (north-east side) – from a point 15 metres south-east of its junction with Scotch Street for a distance of 45.5 metres in a south-easterly direction.
2. Irish Street (north-east side) – from a point 95.5 metres south-east of its junction with Scotch Street for a distance of 5.5 metres in a south-easterly direction.
3. Irish Street (north-east side) – from a point 117 metres south-east of its junction with Scotch Street for a distance of 27.5 metres in a south-easterly direction.
4. Irish Street (south-west side) – from a point 15 metres north-west of its junction with Market Street for a distance of 5 metres in a north-westerly direction.
5. Irish Street (south-west side) – from a point 15 south-east of its junction with Market Street for a distance of 4 metres in a south-easterly direction.
6. Irish Street (south-west side) – from a point 55.5 metres south-east of its junction with Market Street for a distance of 10.5 metres in a south-easterly direction.
7. Lynn Doyle Place (north-west side) – from a point 15 metres south-west of its junction with Irish Street for a distance of 53.5 metres in a south-westerly direction.
8. Meadowlands (south-east side) – from a point 15 metres north-east of its junction with Saul Way for a distance of 49 metres in a north-easterly direction.
9. St. Patrick's Avenue (north side) – from a point 50 metres east of its junction with Folly Lane for a distance of 94 metres in an easterly direction.
10. St. Patrick's Avenue (south side) – from a point 23 metres east of its junction with Folly Lane for a distance of 65 metres in an easterly direction.
11. St. Patrick's Avenue (south side) – from a point 122 metres east of its junction with Folly Lane for a distance of 27 metres in an easterly direction.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order authorises the use as parking places of the lengths of the roads specified in Schedule 1 (Article 2) and prescribes the conditions under which they 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 the parking place (Article 6) and for the removal of a vehicle from the parking place in an emergency (Articles 8 and 9) and for its safe custody (Article 10).

Between the hours of 8.00 a.m. and 6.00 p.m. Monday to Friday inclusive, 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).

The Order also prohibits vehicles from waiting on the lengths of road specified in items 1 to 8 of Schedule 3 (Article 13) and revokes and re-enacts the prohibition of waiting on the lengths of road specified in items 9 to 11 of Schedule 3. Vehicles are excepted from the prohibitions in certain circumstances (Article 14).

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.