

1987 No. 410

ROAD TRAFFIC AND VEHICLES

On-Street Parking Bye-Laws (Northern Ireland) 1987

Made 2nd November 1987

Coming into operation 16th November 1987

WHEREAS the Department of the Environment in compliance with Article 107(2) of the Road Traffic (Northern Ireland) Order 1981(a) has considered both the interests of traffic and those of the owners and occupiers of adjoining property;

AND WHEREAS notice has been published in compliance with Article 108(1) of that Order;

AND WHEREAS the Department in compliance with Article 108(2) of that Order has taken such other steps as appear to it reasonably practicable for the purpose of bringing specifically to the knowledge of persons likely to be specially affected, as the owners of land adjacent to the parking places to be designated, information as to the matters specified in Article 108(1)(a) to (c) of that Order;

AND WHEREAS the Department in compliance with Article 109(2) of that Order has considered all information furnished to it;

AND WHEREAS nine objections have been received and have been duly considered and notice of the Department's decision given to the persons by whom the objections were made;

NOW THEREFORE the Department in exercise of the powers conferred on it by Articles 107(1), 109(2), 110, 111(1) and (2) of the Road Traffic (Northern Ireland) Order 1981 and of every other power enabling it in that behalf, makes the following bye-laws:—

Citation, commencement and interpretation

1.—(1) These bye-laws may be cited as the On-Street Parking Bye-Laws (Northern Ireland) 1987 and shall come into operation on 16th November 1987.

(2) In these bye-laws:—

“controlled parking zone” means an area in which all roads have been marked, except where parking places have been designated, with one or more of the road markings shown in diagram 1016:1 to 1021 of the

Traffic Signs Regulations (Northern Ireland) 1979(a), the entrances for vehicular traffic into the area being indicated by a sign shown in diagram 806 of those regulations;

“light goods vehicle” means a motor vehicle constructed or adapted for use for the carriage of goods the permissible maximum weight of which does not exceed 3.5 tonnes;

“motor car” means a mechanically propelled vehicle constructed solely for the carriage of passengers and their effects seating not more than 6 persons in addition to the driver;

“motor-cycle” means a mechanically propelled vehicle not being an invalid carriage or motor car having fewer than 4 wheels and the weight of which unladen does not exceed 410 kgs;

“the Order” means the Road Traffic (Northern Ireland) Order 1981;

“parking space” means a space which is marked out in a parking place for the leaving of a vehicle;

“parking place” means the road or parts of a road within a controlled parking zone designated as parking places under bye-law 4;

“pay and display machine” means an apparatus approved by the Department for the purposes of these bye-laws under Article 110(2)(a)(ii) of the Order;

“specified hours” means the permitted days and hours specified in Part 3 of the Schedule when charges are made for parking in a parking space.

Control of parking in a controlled parking zone

2. Subject to bye-laws 3 and 8 a person shall not, 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 during the specified hours in a controlled parking zone unless it is within the limits of a parking place.

Exemptions

3. Nothing in bye-law 2 shall render it unlawful to cause or permit any vehicle to wait within a controlled parking zone for so long as may be reasonably necessary to enable:—

- (a) a person to board or alight from the vehicle;
- (b) goods to be loaded onto or unloaded from the vehicle unless otherwise indicated by a traffic sign;
- (c) the vehicle, if it cannot conveniently be used for such purpose outside the controlled parking zone, to be used by or on behalf of a district council or a Government Department in pursuance of statutory powers or duties;
- (d) the vehicle to be used for the purpose of delivering or collecting postal packets;
- (e) the vehicle to be used for fire brigade, ambulance, police, or customs purposes or for the purposes of the security forces;

- (f) the vehicle to wait where the person in control of it is prevented from proceeding by circumstances beyond his control or to avoid an accident.

Designation and use of parking places in controlled parking zones

4. Each road or length of road specified in the second column of Part 1 of the Schedule is designated as a parking place in a controlled parking zone for the classes of vehicle specified in relation thereto in the third column for the maximum period specified in relation thereto in the fourth column.

5. Where in Part 1 of the Schedule a parking place is specified as being permitted for vehicles of a class described in Part 2 of that Schedule the driver of a vehicle shall not leave it in that parking place unless it is of one of that class.

6. The driver of a vehicle shall not leave it in a parking place unless it is wholly within a parking space where such has been marked out.

7. The driver of a vehicle shall not leave it in a parking place for longer than the period permitted for waiting specified in Part 1 of the Schedule.

8.—(1) 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 operation outside the parking place, to be used in connection with any of the following operations:
- (i) building, repair or demolition, 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 telecommunication apparatus as defined in paragraph 1(1) of the Telecommunications Act 1984(a);

(b) the implementation of any traffic management scheme.

(2) A constable in uniform may suspend the use of a parking place or any part thereof for such period not exceeding 24 hours as may be necessary for the purpose of facilitating the movement of traffic or in the interests of safety.

Payment of charges

9.—(1) The driver of a vehicle leaving it in a parking place during the specified hours shall pay the appropriate charge in accordance with the scale of charges specified in Part 4 of the Schedule.

(2) Charges may be paid by:—

- (a) inserting into a pay and display machine a coin or combination of coins of appropriate denominations;
- (b) the purchase of a pre-paid charge card for use in a pay and display machine; or
- (c) the purchase of pre-paid tickets.

10. Where the initial charge is paid by use of a pay and display machine the machine shall issue a ticket indicating the date and the number of hours for which or the time to which it is valid.

11. In the case of pre-paid tickets the instructions given on the tickets in respect of making distinct perforations in the tickets or taking other appropriate action to clearly indicate the date and time of arrival shall be carried out by the driver as soon as he takes up position in the parking place.

12. The driver shall attach the ticket or tickets issued by the pay and display machine or a pre-paid ticket or tickets duly perforated to the inside surface of the windscreen or a side window facing the kerb so that the particulars recorded on the front of the ticket or tickets are clearly visible to a person standing at the front or side of the vehicle.

In the case of a motor-cycle the ticket shall be attached in a conspicuous position in front of the driver's seat.

13. A parking ticket, however obtained, is only valid if:—

- (a) it has been issued by the Department;
- (b) it clearly indicates the date and time as specified in bye-law 10 or bye-law 11; and
- (c) it indicates no other date.

14. Where a vehicle is left in a parking place and the particulars shown on the ticket or tickets indicate that the period in respect of which payment has been made has expired or has not yet commenced, for the purpose of any proceedings for an offence of failing to pay any charge under Article 115(1)(a) of the Order, it shall be presumed, unless the contrary is proved, that the said particulars are accurate.

15.—(1) If a vehicle is left in a parking place during the specified hours for longer than the period for which payment has been made an additional amount referred to as an "excess charge" shall be payable.

(2) Where an excess charge has been incurred it shall be the duty of the parking attendant to attach to the vehicle in a conspicuous position a notice which shall indicate the following particulars:—

- (a) the registration number of the vehicle, or where the vehicle is being used under a trade licence, the number of the trade plate carried by the vehicle;
- (b) the date and time when the notice was attached to the vehicle;
- (c) a statement that an excess charge is required to be paid and the amount thereof;

- (d) the manner in which, the place or places at which, and the time within which the excess charge should be paid;
- (e) a statement that it is an offence under Article 115 of the said Order of 1981 for the driver of a vehicle to fail to pay an excess charge;
- (f) a statement that having incurred an excess charge the vehicle may wait for a further period of one hour from the expiration of the time for which payment was made.

Removal of vehicles

16. Where a vehicle is left in a parking place in contravention of any of the provisions of bye-law 5, 6, 7 or 9 a person authorised by the Department, a constable or a person authorised by him may remove the vehicle or arrange for it to be removed from the parking place.

17. A person authorised by the Department, a constable or a person authorised by him may remove a vehicle from a parking place in the case of any emergency.

18. If a vehicle is waiting in a parking place in contravention of bye-law 6 a person authorised by the Department, a constable or a person authorised by him may alter or cause to be altered the position of the vehicle in order that its position shall comply with that provision.

19. Any person removing or altering the position of a vehicle by virtue of bye-law 16, 17 or 18 may do so by towing or driving the vehicle or in such other manner as is reasonably necessary and may take such measures in relation to the vehicle as are reasonably necessary to enable him to remove it or alter its position, as the case may be.

20. When a person authorised by the Department, a constable or a person authorised by him removes or makes arrangements for the removal of a vehicle from a parking place by virtue of bye-law 17 or 18 he shall make such arrangements as may be necessary for the safe custody of the vehicle.

Sealed with the Official Seal of the Department of the Environment on 2nd November 1987.

(L.S.)

A. Miller

Assistant Secretary

SCHEDULE

PART 1

No.	Roads or parts of roads within a controlled parking zone designated as parking places more particularly delineated and coloured red on Maps numbered 1 to 16 deposited at the offices of the Department's Roads Service Headquarters, Commonwealth House, Castle Street, Belfast	Permitted classes of vehicles as described in Part 2	Maximum period for which a vehicle may wait including the excess charge period of 1 hour
	All in the City of Belfast.		
1	Adelaide Street from Franklin Street to Ormeau Avenue.	1 & 2	3 hours
2	Alfred Street from Franklin Street to Ormeau Avenue.	1 & 2	3 hours
3	Apsley Street from Ormeau Avenue to Bankmore Street.	1 & 2	5 hours
4	Bankmore Street from Charlotte Street to Dublin Road.	1 & 2	5 hours
5	Clarence Street.	1 & 2	3 hours
6	Franklin Street.	1 & 2	3 hours
7	Hardcastle Street.	1 & 2	5 hours
8	Joy Street.	1 & 2	3 hours
9	Linenhall Street from Franklin Street to Ormeau Avenue.	1 & 2	3 hours
10	Linenhall Street West.	1 & 2	3 hours
11	Marcus Ward Street.	1 & 2	5 hours
12	Maryville Street from Ormeau Avenue to Bankmore Street.	1 & 2	5 hours
13	McClintock Street.	1 & 2	3 hours
14	Ormeau Avenue.	1 & 2	3 hours
15	Russell Street from Alfred Street to Joy Street.	1 & 2	3 hours
16	Sussex Place.	1 & 2	3 hours

SCHEDULE

PART 2

Permitted classes of vehicles

Class 1 — Motor car, light goods vehicle.

Class 2 — Motor-cycle.

SCHEDULE

bye-law 1(2)

PART 3

Permitted days and hours of operation

Days of operation: Monday to Saturday excluding Easter Monday and Tuesday and 12th and 13th July (or days in lieu) and 25th and 26th December (or days in lieu).

Hours of operation: 8.00 a.m. to 6.00 p.m.

SCHEDULE

bye-law 9

PART 4

Scale of charges

Up to 1 hour	20p
Up to 2 hours	40p
Up to 3 hours	60p (where applicable)
Up to 4 hours	80p (where applicable)
Excess charge	£2.00

EXPLANATORY NOTE

(This note is not part of the bye-laws.)

These bye-laws provide for the control of waiting by vehicles within controlled parking zones during specified hours.

They designate parking places within controlled parking zones where charges may be made within specified hours.

They prescribe the conditions under which designated parking places may be used.

They prescribe the charges to be paid for use of designated parking places and the methods of payment.

They authorise the alteration of the position of vehicles in a parking place or the removal of vehicles which have been left in the parking place in contravention of certain provisions in the bye-laws.

Any person who contravenes a bye-law shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 2 on the Standard Scale (£100) for each offence.