

2008 No. 328

ROADS

ROAD TRAFFIC AND VEHICLES

The Westlink (Busways) Regulations (Northern Ireland) 2008

Made - - - - - *31st July 2008*

Coming into operation - - - - - *24th October 2008*

The Department for Regional Development(a) makes the following Regulations in exercise of the powers conferred by Article 20(3) of the Roads (Northern Ireland) Order 1993(b), and now vested in it(c).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as The Westlink (Busways) Regulations (Northern Ireland) 2008 and shall come into operation on 24th October 2008.

(2) In these Regulations—

“busway” means a length of special road specified in the Schedule(d);

“bus” means a motor vehicle constructed or adapted to carry more than 8 passengers (exclusive of the driver);

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

“medical practitioner” means a registered person within the meaning of the Medical Act 1983(e).

Prohibition

2.—(1) Save as provided in paragraph (2), a person shall not except upon the direction or with the permission of a constable in uniform, cause or permit traffic of Classes I-VI, VIII and X-XI of Schedule 1 to the Roads (Northern Ireland) Order 1993 to enter, proceed or wait in a busway.

(2) The prohibition in paragraph (1) shall not apply to buses.

Direction of driving

3. Subject to regulation 7, a person shall not, except upon the direction or with the permission of a constable in uniform, cause or permit any bus to proceed—

(a) S.I. 1999/283 (N.I. 1) Article 3(1)

(b) S.I. 1993/3160 (N.I. 15)

(c) S.R. 1998 No. 481 Article 6(d) and Schedule 4 Part IV

(d) For the designation of these roads as special roads see Article 6(2) of, and Part IV of the Schedule to, the M1-M2 Link (Belast) Order (Northern Ireland) 2003 (S.R. 2003 No. 149)

(e) 1983 c. 54

- (a) on the busway described in paragraph 1 of the Schedule other than in a northerly direction; and
- (b) on the busway described in paragraph 2 of the Schedule other than in a westerly direction.

Restriction on reversing

4. Subject to regulation 7, a person shall not cause or permit a bus to be driven or moved backwards on a busway except insofar as it is necessary to back the bus to enable it to proceed forward along the busway or to be connected to any other vehicle.

Prohibition on stopping

5.—(1) Save as provided in paragraphs (2) and (3), and subject to regulation 7, a person shall not cause or permit a bus to stop or remain at rest on a busway.

(2) The prohibition in paragraph (1) shall not render it unlawful for any person to cause or permit a bus to stop on a busway—

- (a) because of a breakdown or mechanical defect or lack of fuel, oil or water required for the bus; or
- (b) because of an accident, illness or any other emergency; or
- (c) to permit any person carried in or on the bus to recover or move any object situated on the busway; or
- (d) where it is prevented from proceeding along the busway by the presence of any other bus, a person or object.

(3) The prohibition in paragraph (1) shall not apply to a bus stopping within the limits of a bus stop in a lay-by or a bus stop as delineated by markings on the carriageway.

Use of busways by pedestrians

6. A pedestrian may use a busway:—

- (a) when it is necessary for him to do so as the result of an accident or emergency or a vehicle being at rest on a busway in any of the circumstances specified in regulation 5(2); or
- (b) to gain access to a bus stop in a lay-by or a bus stop as mentioned in regulation 5(3); or
- (c) in any of the circumstances specified in regulation 7(a), (b), (c) or (d).

Exceptions

7. Nothing in regulations 3, 4 or 5 shall prohibit a person from using a busway in contravention of those regulations where:—

- (a) he does so in the exercise of his duty as a constable or as a member of the military, fire brigade or ambulance service or in an emergency by a medical practitioner;
- (b) he does so in accordance with the permission of a constable for the purpose of investigating any accident which has occurred on the busway;
- (c) it is necessary for him to do so for the removal of a vehicle from the busway;
- (d) it is necessary for him to do so to carry out in an efficient manner—
 - (i) the inspection, maintenance, repair, cleaning, clearance, alteration or improvement of the busway; or
 - (ii) the erection, laying, placing, testing, of works or apparatus in, on, under or over the busway; or
- (e) he does so in accordance with any direction or permission given by a traffic sign.

Sealed with the Official Seal of the Department for Regional Development on 31st July 2008

(L.S.)

R Sherman

A senior officer of the Department for Regional Development

SCHEDULE

Regulation 1(2)

1. 650 metres of segregated road extending in a generally northerly direction from its junction with the A12 Broadway roundabout to its junction with the U0637 Roden Street.

2. 110 metres of slip road extending in a generally westerly direction from the junction of the A12 Westlink with a private road situated 30 metres north of No. 24 Iverna Close (U0637) to a point 110 metres west of that junction.

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations provide for the regulation of lengths of special road described in the Schedule.

The Regulations provide that—

- (a) vehicles other than buses are prohibited from using the roads described in the Schedule, subject to exceptions (regulation 2);
- (b) vehicles may travel only in specified directions on those roads, subject to exceptions (regulation 3);
- (c) vehicles are not to travel in reverse on those roads, subject to exceptions (regulation 4);
- (d) vehicles are not to stop on those roads, subject to exceptions (regulation 5); and
- (e) persons are permitted on foot in certain circumstances (regulation 6).

Regulation 7 provides for certain general exceptions from the provisions of the Regulations.

A person who acts in contravention of the Regulations shall be guilty of an offence under Article 20(4) of the Roads (Northern Ireland) Order 1993 and shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale (£2,500).

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