

2013 No. 242

ROAD TRAFFIC AND VEHICLES

**The Parking and Waiting Restrictions (Magherafelt) Order
(Northern Ireland) 2013**

Made - - - - - *11th October 2013*

Coming into operation *24th October 2013*

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 the roads 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 (Magherafelt) Order (Northern Ireland) 2013 and shall come into operation on 24th October 2013.

(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);

“specified hours” means the hours between 8.30 a.m. and 6.30 p.m. on the days Monday to Saturday inclusive; 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 for 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, during the specified hours—
- (a) a person shall not leave or cause a vehicle to be left in a parking place for longer than 2 hours;
 - (b) a person shall not leave or cause that vehicle to be left again in that parking place, until the expiration of 3 hours 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 3 hours 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 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 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;

(a) 2000 c. 26

- (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.

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.

(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)

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.

Length 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 on the 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 the 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) 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.

Sealed with the Official Seal of the Department for Regional Development on 11th October 2013

(L.S.)

D J Millar
A senior officer of the Department for Regional Development

SCHEDULE 1

Articles 1(2) and 2

Parking Places — Monday to Saturday 8.30 a.m. to 6.30 p.m. Maximum stay 2 hours, No return within 3 hours

All in Magherafelt

1. Broad Street (south-east side in lay-by) – from a point 12 metres south-west of its junction with Church Street for a distance of 24 metres in a south-westerly direction.
2. Broad Street (south-east side) – from a point 15 metres north-east of its junction with The Diamond Roundabout for a distance of 6 metres in a north-easterly direction.
3. Broad Street (south-east side) – from a point 32 metres north-east of its junction with The Diamond Roundabout for a distance of 21 metres in a north-easterly direction.
4. Broad Street (north-west side) – from a point 17 metres north-east of its junction with The Diamond Roundabout for a distance of 20 metres in a north-easterly direction.
5. Broad Street (north-west side in lay-by) – from a point 10 metres south-west of its junction with Union Road for a distance of 30 metres in a south-westerly direction.
6. Church Street (south side) – from a point 17 metres east of its junction with King Street for a distance of 145 metres in a north-easterly direction.
7. Church Well Lane (south-east side in lay-by) – from a point 6 metres north-east of its junction with Union Road for a distance for 12 metres in a north-easterly direction.
8. Church Well Lane (north-west side in lay-by) – from a point 14 metres north-east of its junction with Union Road for a distance of 23 metres in a north-easterly direction.
9. Garden Street (east side) – from a point 25 metres south of its junction with Union Road for a distance of 60 metres in a southerly direction.
10. King Street (north-east side) – from a point 15 metres south-east of its junction with Church Street for a distance of 20 metres in a south-easterly direction.
11. King Street (north-east side) – from a point 43 metres south-east of its junction with Church Street for a distance of 27 metres in a south-easterly direction.
12. Market Street (north-east side) – from a point 18 metres south-east of its junction with Broad Street for a distance of 21 metres in a south-easterly direction.
13. Market Street (north-east side) – from a point 69 metres south-east of its junction with Broad Street for a distance of 26 metres in a south-easterly direction.
14. Market Street (south-west side) – from a point 28 metres south-east of its junction with The Diamond Roundabout for a distance of 6 metres in a south-easterly direction.
15. Market Street (south-west side) – from a point 41 metres south-east of its junction with The Diamond Roundabout for a distance of 37 metres in a south-easterly direction.
16. Market Street (south-west side of south-east bound carriageway in lay-by) – from a point 14 metres south-east of its junction with The Diamond Roundabout for a distance of 42 metres in a south-easterly direction.
17. Market Street (north-east side of north-west bound carriageway in lay-by) – from a point 11 metres south-east of its junction with The Diamond Roundabout for a distance of 34 metres in a south-easterly direction.
18. Queen Street (north-west side in lay-by) – from a point 13 metres south-west of its junction with Rainey Street for a distance of 9 metres in a south-westerly direction.
19. Queen Street (south-east side in lay-by) – from a point 7 metres south-west of its junction with Rainey Street for a distance of 7.5 metres in a south-westerly direction.
20. Rainey Street (north-east side) – from a point 20 metres north-west of its junction with Garden Street for a distance of 61 metres in a north-westerly direction.
21. Rainey Street (north side in lay-by) – from a point 7 metres west of its junction with The Diamond Roundabout for a distance of 80 metres in a westerly direction.

SCHEDULE 2

Article 11

No Waiting at any Time (Loading or Unloading Not Permitted)

Greenvale Park, Magherafelt (south-east side) – from a point 245 metres south-west of its junction with Queens Avenue for a distance of 20 metres in a south-westerly 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 the parking places 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 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).

The Order also prohibits vehicles from waiting on the length of road specified in Schedule 2 (Article 11). Vehicles are excepted from the prohibition 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 roads.