

2017 No. 238

ROAD TRAFFIC AND VEHICLES

**The Waiting Restrictions (Portstewart) Order (Northern Ireland)
2017**

Made - - - - - *18th December 2017*

Coming into operation - *22nd January 2018*

The Department for Infrastructure^(a) makes the following Order in exercise of the powers conferred by Article 4(1), (2) and (3) of the Road Traffic Regulation (Northern Ireland) Order 1997^(b) and now vested in it^(c).

The Department has consulted such persons as it considered appropriate in compliance with paragraphs 1 and 2 of Schedule 1 to that Order.

The Department has published a notice in compliance with paragraphs 1 and 3 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 Waiting Restrictions (Portstewart) Order (Northern Ireland) 2017 and shall come into operation on 22nd January 2018.

(2) In this Order —

“medical practitioner” means a registered person within the meaning of the Medical Act 1983^(d);

“postal packet” means a letter, parcel, packet or other article transmissible by post as defined in section 125 of the Postal Services Act 2000^(e);

“universal service provider” has the same meaning as in section 4(3) and (4) of the Postal Services Act 2000.

Restriction of Waiting

2. Save as provided in Article 3, a person shall not cause or permit a vehicle to wait at any time on the lengths of road specified in Schedule 1.

(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
(e) 2000 c. 26

Exceptions

3.—(1) Nothing in Article 2 shall render it unlawful for a person to cause or permit a vehicle to wait on the carriageway of a length of road specified in Schedule 1 where the person in control of it is prevented from proceeding by circumstances beyond that persons' control or to avoid an accident of 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 of 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 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).
- (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.

Revocations

4. The Orders specified in Schedule 2 are revoked.

Sealed with the Official Seal of the Department for Infrastructure on 18th December 2017

(L.S.)

G F McKenna
A senior officer of the Department for Infrastructure

(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 Schedule 3 paragraph 2(2)

SCHEDULE 1

Article 2

No Waiting at any Time in Portstewart (loading and unloading permitted)

1. Strand Road (north-west side) – from a point 15 metres south-west of its junction with The Diamond for a distance of 45 metres.
2. Strand Road (north-west side) – from a point 14 metres north of its junction with Burnside Road Roundabout to a point opposite its junction with Portstewart Golf Club.
3. Strand Road (north-west side) – from a point 52 metres south-west of its junction with Burnside Road Roundabout for a distance of 356 metres in a south-westerly direction.
4. Strand Road (south-east side) – from its junction with Burnside Road Roundabout for a distance of 48 metres in a south-westerly direction.
5. Strand Road (south-east side) – from a point 57 metres south-west of its junction with Burnside Road Roundabout for a distance of 15 metres in a south-westerly direction.
6. Strand Road (south-east side) – from a point 153 metres south-west of its junction with Burnside Road Roundabout for a distance of 302 metres in a south-westerly direction.
7. Stuart’s Gardens (both sides) – for its entire length.

SCHEDULE 2

Article 4

1. The Waiting Restrictions (Portstewart) Order (Northern Ireland) 2008**(a)**
2. The Waiting Restrictions (Portstewart) (Amendment) Order (Northern Ireland) 2009**(b)**

(a) S.R. 2008 No. 358

(b) S.R. 2009 No. 12

EXPLANATORY NOTE

(This note is not part of the Order)

This Order prohibits vehicles waiting at any time on the lengths of road specified in Schedule 1 and revokes the Orders specified in Schedule 2. Vehicles are excepted from the restrictions in certain circumstances (Article 3). The Order will also revoke and re-enact certain existing waiting restrictions in Portstewart.

A penalty charge (£90) is payable with respect to a vehicle 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 this Order will in due course be placed on the roads.