

**2011 No. 358**

**PLANNING**

**The Extinguishment of Right to Use Vehicles on Roads  
(Strabane) Order (Northern Ireland) 2011**

*Made* - - - - - *12th October 2011*

*Coming into operation* - *3rd November 2011*

The Department for Regional Development(a) makes the following Order in exercise of the powers conferred by Article 100(1) and (2) of the Planning (Northern Ireland) Order 1991(b) and now vested in it(c).

The Department for the purpose of improving the amenity of the area proposes to extinguish any right which persons may have to use vehicles on the lengths of road specified in Schedule 1.

Notice has been published and served in compliance with Article 103(1) and (2) of that Order.

No objection has been received.

**Citation, commencement and interpretation**

**1.**—(1) This Order may be cited as The Extinguishment of Right to Use Vehicles on Roads (Strabane) Order (Northern Ireland) 2011 and shall come into operation on 3rd November 2011.

(2) In this Order—

“authorised officer” means an officer of the Department authorised in writing by the Department.

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

**Extinguishment of right to use vehicles**

**2.** Subject to Article 3, any right which persons may have to use vehicles on the lengths of road specified in column 2 of Schedule 1 is extinguished.

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

(b) S.I. 1991/1220 (N.I. 11) Article 100 was amended by 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

### **Exceptions**

**3.**—(1) Notwithstanding Article 2, a vehicle may be used on a length of road specified in column 2 of Schedule 1 in accordance with the exceptions specified in column 3 of that Schedule in relation to that length of road.

(2) The exceptions specified in column 3 of Schedule 1 are set out in detail in Schedule 2.

### **Revocations**

**4.** The Extinguishment of Right to Use Vehicles on Roads (Strabane) Order (Northern Ireland) 1993(a) is revoked.

Sealed with the Official Seal of the Department for Regional Development on 12th October 2011

(L.S.)

*D J Millar*

A senior officer of the Department for Regional Development

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(a) S.R. 1993 No. 411

## SCHEDULE 1

Articles 2 and 3(1)

### Description of Lengths of Road

<i>(1)</i> <i>Item No.</i>	<i>(2)</i> <i>Roads</i>	<i>(3)</i> <i>Exceptions</i>
1.	Western part of Abercorn Square from its junction with Castle Street to its junction with Railway Street.	Items 1, 2, 3, 4, 5, 6, 7, 8 and 9 as set out in Schedule 2.
2.	That part of Railway Street fronted by Nos. 2 to 8 (part).	Items 1, 2, 3, 4, 5, 6, 7, 8 and 9 as set out in Schedule 2.

## SCHEDULE 2

Article 3(2)

### Exceptions

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<i>Item No.</i>	<i>Exceptions</i>
1.	Where the vehicle is being used for police, military, ambulance or fire and rescue purposes or in an emergency by a medical practitioner.
2.	Where the vehicle is being used in pursuance of statutory powers and duties by or on behalf of a government department, district council or statutory undertaker.
3.	Where the vehicle is being used in accordance with an authorisation issued by an authorised officer of the Department, and displayed on the front windscreen of the vehicle.
4.	Where the vehicle is being used for the conveyance of goods to or from premises situated on or adjacent to the lengths of road, between the hours of 10.00 a.m. and 11.30 a.m., being goods which 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 provided always that the vehicle shall not be permitted to use the lengths of road for any longer period than may be necessary for the conveyance, loading or unloading of those goods.
5.	Where the driver of the vehicle is acting upon the direction or with permission of a constable in uniform.
6.	Where the vehicle is being used on or adjacent to the lengths of road in connection with the laying, erection, alteration or repair of any electronic communications apparatus as defined in Schedule 2 to the Telecommunications Act 1984(a).
7.	Where the vehicle is being used on or adjacent to the lengths of road in connection with street works as defined in Article 3(3) of the Street Works (Northern Ireland) Order 1995(b).
8.	Where a cycle is being wheeled.
9.	Where the vehicle has been issued with a valid goods vehicle test certificate under regulations 14 or 15 of the Goods Vehicle (Testing) Regulations (Northern Ireland) 2003(c)

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(a) 1984 c. 12 as amended by 2003 c. 21 Schedule 3, para. 2(2)

(b) S.I. 1995/3210 (N.I. 19)

(c) S. R. 2003 No. 304 to which there are no relevant amendments

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order extinguishes the right of persons to use vehicles on the lengths of road described in column 2 of Schedule 1.

Schedule 1 includes those lengths of road, excluding Castle Street, contained in the Order specified in Article 4 which is being revoked.

Provision is made for permitting the use of the lengths of road in certain cases (Article 3).

Any person who acts in contravention of the Order shall be guilty of an offence under the Road Traffic Regulation (Northern Ireland) Order 1997 (“the Regulation Order”) and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale (£1,000), in accordance with the Road Traffic Offenders (Northern Ireland) Order 1996 as amended by the Regulation Order. In addition, a penalty charge (£60) is payable with respect to a stationary vehicle involved in a contravention of a traffic sign erected on foot 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.