

2013 No. 273

ROAD TRAFFIC AND VEHICLES

The Parking and Waiting Restrictions (Omagh) Order (Northern Ireland) 2013

Made - - - - - *22nd November 2013*

Coming into operation *12th December 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 road specified in Schedules 1 and 2.

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 (Omagh) Order (Northern Ireland) 2013 and shall come into operation on 12th December 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.; 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 road specified in Schedules 1 and 2 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 for longer than 1 hour in a parking place specified in—
 - (i) Schedule 1 from Monday to Saturday inclusive; and
 - (ii) Schedule 2 from Monday to Friday inclusive.
 - (b) a person shall not leave or cause that vehicle to be left again in that parking place, until the expiration of 1 hour 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 1 hour 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;

(a) 2000 c. 26

- (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^(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 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.

Lengths 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 during the specified hours on the lengths of road specified in Schedules 3 or 4.

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 a length of road specified in Schedule 3 or 4 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) Nothing in Article 11 shall render it unlawful to cause or permit a vehicle to wait on the carriageway of a length of road specified in Schedule 3 for so long as may be reasonably necessary to enable goods to be loaded or unloaded from the vehicle.

(3) 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

13. The Orders specified in Schedule 5 are revoked.

Sealed with the Official Seal of the Department for Regional Development on 22nd November
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 1 hour no return within 1 hour

All in Omagh

1. Campsie Drive (west side) – from a point 12 metres south of its junction with Campsie Road, for a distance of 29 metres.
2. Campsie Drive (east side) – from a point 12.5 metres south of its junction with Campsie Road, for a distance of 33 metres.
3. Campsie Road (north side) – from a point 12.5 metres east of its junction with Campsie Avenue, for a distance of 19 metres.
4. Campsie Road (north side) – from a point 87.5 metres east of its junction with Campsie Avenue, for a distance of 17 metres.
5. Campsie Road (south side) – from a point 8 metres west of its junction with Campsie Drive, for a distance of 31.5 metres.
6. Campsie Road (south side) – from a point 1 metre west of its junction with Campsie Place, for a distance of 24 metres.
7. Campsie Road (south side) – from a point 8 metres east of its junction with Campsie Place, for a distance of 30 metres.
8. Dublin Road (north-east side) – from a point 27 metres south-east of its junction with Irishtown Road, for a distance of 20 metres.
9. Irishtown Road (north side) – from a point 18 metres east of its junction with Dublin Road, for a distance of 16 metres.
10. James Street (north-west side) – from a point 94 metres south-west of its junction with Church Hill, for a distance of 24 metres in a south-westerly direction.
11. Kevlin Road (north-east side) – from a point 15 metres south-east of its junction with Kevlin Avenue, for a distance of 47 metres.
12. Market Road (north side) – from a point 14 metres east of its junction with Dublin Road, for a distance of 12 metres.
13. Market Road (south side) – from a point 19 metres east of its junction with Dublin Road, for a distance of 34 metres.

SCHEDULE 2

Articles 1(2) and 2

Parking Places — Monday to Friday 8.30 a.m. to 6.30 p.m. — Maximum Stay 1 hour no return within 1 hour

All in Omagh

1. Brook Street (north side) – from a point 27 metres west of its junction with Castle Street, for a distance of 18 metres in a westerly direction.
2. Brook Street (north side) – from a point 63 metres west of its junction with Castle Street, for a distance of 6 metres in a westerly direction.
3. Brook Street (south side) – from a point 19 metres west of its junction with Fountain Lane, for a distance of 50 metres in a westerly direction.

SCHEDULE 3

Article 11

No Waiting at any Time (Loading and Unloading Permitted)

All in Omagh

1. Brook Street (north side) – from a point 15 metres west of its junction with Castle Street, for a distance of 13 metres in a westerly direction.
2. Brook Street (south side) – from a point 15 metres west of its junction with Fountain Lane, for a distance of 4 metres in a westerly direction.
3. Campsie Avenue (west side) – from a point 18.5 metres north of its junction with Campsie Crescent, for a distance of 27 metres.
4. Campsie Court (north side) – from a point 15 metres east of its junction with Campsie Avenue, for a distance of 16 metres in an easterly direction.
5. Campsie Court (south side) – from a point 15 metres east of its junction with Campsie Avenue, for a distance of 16 metres in an easterly direction.
6. Castle Lane (east side) – from a point 15 metres south-west of its junction with Castle Street, for a distance of 31 metres in a south-westerly direction.
7. Fountain Lane (north-east side) – from a point 15 metres south-west of Brook Street, for a distance of 22 metres in a south-westerly and then south-easterly direction.
8. Fountain Lane (south-west side) – from a point 15 metres north-west of its junction with Castle Lane, for a distance of 5 metres in a north-westerly direction.
9. Glenview Cottages (north-west side) – from a point 15 metres south-west of its junction with Fairmount Road, for distance of 41 metres.
10. Glenview Cottages (south-east side) – from a point 15 metres south-west of its junction with Kevlin Road, for a distance of 68 metres.
11. Holmview Avenue (north side) – from a point 35 metres west of its junction with Holmview Close, for a distance of 61 metres in an easterly direction.
12. Holmview Avenue (south side) – from a point 15 metres east of its junction with Holmview Close, for a distance of 8 metres in an easterly direction.
13. Holmview Avenue (south side) – from a point 47 metres west of its junction with Holmview Close, for a distance of 32 metres in an easterly direction.
14. James Street (north-west side) – from a point 91 metres south-west of its junction with Church Hill, for a distance of 3 metres in a south-westerly direction.

SCHEDULE 4

Article 11

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

Campsie Road, Omagh (north side) – from a point 15 metres west of its junction with Campsie Avenue, for a distance of 13 metres in a westerly direction.

SCHEDULE 5

Article 13

Revocations

1. The Parking Places on Roads (Omagh) Order (Northern Ireland) 2008**(a)**.
2. The Parking Places on Roads (Omagh) (Amendment) Order (Northern Ireland) 2009**(b)**.
3. The Waiting Restrictions (Omagh) Order (Northern Ireland) 2010**(c)**.
4. The Parking and Waiting Restrictions (Omagh) Order (Northern Ireland) 2010**(d)**.
5. The Parking and Waiting Restrictions (Omagh) (No. 2) Order (Northern Ireland) 2010**(e)**.
6. The Parking and Waiting Restrictions (Omagh) (No. 2) Order (Amendment) Order (Northern Ireland) 2011**(f)**.
7. The Parking and Waiting Restrictions (Omagh) (No. 2) Order (Amendment) Order (Northern Ireland) 2012**(g)**.

(a) S.R. 2008 No. 268
(b) S.R. 2009 No. 3
(c) S.R. 2010 No. 261
(d) S.R. 2010 No. 385
(e) S.R. 2010 No. 393
(f) S.R. 2011 No. 309
(g) S.R. 2012 No. 29

EXPLANATORY NOTE

(This note is not part of the Order)

This Order authorises the use as parking places of the lengths of road specified in Schedules 1 and 2 (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 (Article 11) on the lengths of road specified in Schedule 3 and 4. Vehicles are excepted from the prohibition in certain circumstances (Article 12).

The Order also revokes the Orders specified in Schedule 5 and re-enacts the parking and waiting restrictions therein.

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.