

2015 No. 252

ROAD TRAFFIC AND VEHICLES

**The Footways (Prohibition of Waiting) Order (Northern Ireland)
2015**

Made - - - - - *18th May 2015*

Coming into operation - *8th June 2015*

The Department for Regional Development^(a) makes the following Order in exercise of the powers conferred by Article 4(1) and (2) 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 Article 4(6) of and 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 Footways (Prohibition of Waiting) Order (Northern Ireland) 2015 and shall come into operation on 8th June 2015.

(2) In this order:—

“central reservation” means—

- (a) in relation to a road comprising a single carriageway, any provision (including a pedestrian refuge) which separates one part of the carriageway from another part;
- (b) in relation to a road which comprises two or more carriageways any land or permanent work which separates those carriageways from one another;

“clearway” means the carriageway of any road or part of a road on which traffic signs of the type shown in diagram 642 or in diagram 646 in Schedule 2 to the Traffic Signs Regulations (Northern Ireland) 1997^(d) have been erected on one or both sides;

“controlled area” means the same as defined in The Zebra, Pelican and Puffin Pedestrian Crossings Regulations (Northern Ireland) 2006^(e);

“cycle track” means any part of the road which is not a carriageway, over which the public have a right of way for the passage of pedal cycles;

(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) S.R. 1997 No. 386
(e) S.R. 2006 No. 164

“footway” means any road or part of a road over which the public have a right of way on foot only;

“hard shoulder” means a surfaced strip alongside the carriageway;

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

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

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

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

“verge” means any part of a road which is not a carriageway or footway, cycle track, central reservation, hard shoulder, lay-by or controlled area.

Prohibition of waiting

2. Subject to Article 3 no person shall cause or permit a motor vehicle to wait, wholly or partly:—

- (a) on a footway adjacent to a clearway or a controlled area at Zebra, Pelican and Puffin crossings;
- (b) on a central reservation adjacent to a clearway;
- (c) on a cycle track adjacent to a clearway; or
- (d) on a verge adjacent to a controlled area at Zebra, Pelican and Puffin crossings.

Exceptions

3. The prohibition in Article 2 shall not apply to a motor vehicle:—

- (a) being 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;
- (b) being 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 controlled area of postal packets;
- (c) where the driver of which is acting upon the direction or with the permission of a constable in uniform;
- (d) if it cannot conveniently be used for such purpose adjacent to the controlled area 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(c) or of a licence granted under Article 8 of the Gas (Northern Ireland) Order 1996(d); or

(a) 1983 c. 54
(b) 2000 c. 26
(c) S.I. 1992/231 (N.I. 1)
(d) S.I. 1996/275 (N.I. 2)

- (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(a).

Revocations

4. The Footways (Prohibition of Waiting) (No. 2) Order (Northern Ireland) 1981(b) and the Footways (Prohibition of Waiting) (No. 2) Order (Amendment) Order (Northern Ireland) 1993(c) are revoked.

Sealed with the Official Seal of the Department for Regional Development on 18th May 2015

(L.S.)

G F McKenna

A senior officer of the Department for Regional Development

EXPLANATORY NOTE

(This note is not part of the Order)

This Order prohibits motor vehicles from waiting on a footway or verge adjacent to a controlled area at a pedestrian crossing (Article 2(d)). The Order also revokes and re-enacts the prohibitions of the Footways (Prohibition of Waiting) (No. 2) Order 1981. Vehicles are excepted from the prohibitions in certain circumstances (Article 3).

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.

(a) 1984 c. 12 as amended by 2003 c. 21 Sch. 3 para. 2(2)
(b) S.R. 1981 No. 280
(c) S.R. 1993 No. 415