

**2012 No. 343**

**ROAD TRAFFIC AND VEHICLES**

**The Waiting Restrictions (John Street, Castleberg) Order  
(Northern Ireland) 2012**

*Made* - - - - - *19th September 2012*

*Coming into operation* - *11th October 2012*

The Department for Regional Development<sup>(a)</sup> makes the following Order in exercise of the powers conferred by Article 4(1), (2) and (3) of, and paragraph 5 of Schedule 1 to, the Road Traffic Regulation (Northern Ireland) Order 1997<sup>(b)</sup> and now vested in it<sup>(c)</sup>.

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.

The Department has modified the draft Order.

**Citation, commencement and interpretation**

**1.**—(1) This Order may be cited as The Waiting Restrictions (John Street, Castleberg) Order (Northern Ireland) 2012 and shall come into operation on 11th October 2012.

(2) In this Order —

“medical practitioner” means a registered person within the meaning of the Medical Act 1983<sup>(d)</sup>;

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

“specified hours” means the hours between 8.30 a.m. and 4.30 p.m. and 5.00 p.m. to 6.30 p.m. on the days Monday to Friday inclusive; and

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

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(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

(e) 2000 c. 26

## Restriction of waiting

2. Save as provided in Article 3 during the specified hours—
- (a) a person shall not cause or permit a vehicle to be left on the length of road specified in the Schedule for longer than 1 hour; and
  - (b) a person shall not cause or permit that vehicle to be left again on that length of road until the expiration of 1 hour from the time that vehicle is removed from that length of road.

## 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 the length of road specified in the Schedule during the specified hours 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 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 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<sup>(a)</sup> or of a licence granted under Article 8 of the Gas (Northern Ireland) Order 1996<sup>(b)</sup>; 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<sup>(c)</sup>.
- (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.

## Removal of a vehicle in an emergency

4. A person authorised by the Department may remove a vehicle from the length of road specified in the Schedule in an emergency.

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(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)

**Method of removal of a vehicle**

5. Any person removing a vehicle by virtue of Article 4 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.

**Custody of a vehicle**

6. When a person authorised by the Department removes or makes arrangements for the removal of a vehicle from the length of road specified in the Schedule by virtue of Article 4 that person shall make such arrangements as may be necessary for the safe custody of the vehicle.

Sealed with the Official Seal of the Department for Regional Development on 19th September 2012

(L.S.)

*D J Millar*

A senior officer of the Department for Regional Development

## SCHEDULE

Article 2

Waiting Restriction on Monday to Friday inclusive, 8.30 a.m. to 4.30 p.m. and 5.00 p.m. to 6.30 p.m. — Maximum stay 1 hour; No return within 1 hour

B72 John Street, Castleberg (south side) –from a point 7 metres east of its junction with Main Street for a distance of 32 metres in an easterly direction.

### EXPLANATORY NOTE

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

This Order prohibits vehicles from waiting on the length of road specified in the Schedule on Monday to Friday inclusive between the hours of 8.30 a.m. to 4.30 p.m. and 5.00 p.m. to 6.30 p.m. for longer than 1 hour with return prohibited until a period of 1 hour has elapsed (Article 2).

Vehicles are excepted from the prohibitions in certain circumstances (Article 3). The Order also makes provision for the removal of a vehicle from the length of road in an emergency (Articles 4 and 5) and for its safe custody (Article 6).

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 road.