

**2023 No. 173**

**ROAD TRAFFIC AND VEHICLES**

**The Footways (Prohibition of Waiting) Order (Northern Ireland)  
2023**

*Made* - - - - *12th October 2023*

*Coming into operation* - *3rd November 2023*

The Department for Infrastructure<sup>(a)</sup> 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<sup>(b)</sup> and now vested in it<sup>(c)</sup>.

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 has been received and one representation has been received.

**Citation, commencement and interpretation**

**1.**—(1) This Order may be cited as the Footways (Prohibition of Waiting) Order (Northern Ireland) 2023 and shall come into operation on 3rd November 2023.

(2) In this Order—

“bus” means a motor vehicle constructed or adapted to carry more than 8 passengers (exclusive of the driver);

“bus lane” has the same meaning as in regulation 21(2) of the Traffic Signs Regulations (Northern Ireland) 1997<sup>(d)</sup>;

“bus stand” means an area delineated by markings on the carriageway or lay-by for use by a bus or coach at any time or at such times as may be indicated by traffic signs, in order to wait to pick up passengers;

“bus stop” means an area delineated by markings on the carriageway or lay-by for use by a bus providing a scheduled service or a school bus in order to pick up or set down passengers;

“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;

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(a) Formerly the Department for Regional Development; see section 1(6) and (11) of, and Schedule 1 to, the Departments Act (Northern Ireland) 2016 (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) S.R. 1997 No. 386 as amended by S.R. 2002 No. 143 and S.R. 2003 No. 214

(b) in relation to a road which comprises two or more carriageways any land or permanent work which separates those carriageways from 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<sup>(a)</sup> 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<sup>(b)</sup>;

“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;

“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;

“mandatory cycle lane” means part of the carriageway of a road which may not be used by vehicles other than pedal cycles and is indicated by the marking shown in diagram 1049 in Schedule 6 to the Traffic Signs Regulations (Northern Ireland) 1997;

“mandatory school keep clear” means part of the carriageway outside the entrance to a school which should be kept clear of stationary vehicles and is indicated by the marking shown in diagram 1027.1 in Schedule 6 and the sign shown in diagram 642.2 in Schedule 2 to the Traffic Signs Regulations (Northern Ireland) 1997;

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

“postal packet” has the same meaning as in section 65(1) of the Postal Services Act 2011<sup>(d)</sup>;

“universal service provider” has the same meaning as in section 65(1) of the Postal Services Act 2011;

“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;
- (d) on a verge adjacent to a controlled area at Zebra, Pelican and Puffin crossings;
- (e) on a footway adjacent to a bus lane;
- (f) on a footway adjacent to the limits of any bus stop in a lay-by or any bus stop as delineated by markings on the carriageway at any time;
- (g) on a footway adjacent to the limits of any bus stand in a lay-by or any bus stand as delineated by markings on the carriageway at any time;
- (h) on a footway adjacent to the limits of any mandatory cycle lane as delineated by markings on the carriageway at any time; and

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(a) S.R. 1997 No. 386

(b) S.R. 2006 No. 164

(c) 1983 c. 54

(d) 2011 c. 5

- (i) on a footway adjacent to the limits of any mandatory school keep clear as delineated by markings on the carriageway at any time.

### 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) 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).

### Revocation

4. The Footways (Prohibition of Waiting) Order (Northern Ireland) 2015(d) is revoked.

Sealed with the Official Seal of the Department for Infrastructure on 12th October 2023

(L.S.)

*D J Millar*

A senior officer of the Department for Infrastructure

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(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)  
(d) S.R. 2015 No. 252

## **EXPLANATORY NOTE**

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

This Order prohibits motor vehicles from waiting on a footway adjacent to a bus lane, bus stop, bus stand, mandatory cycle lane or mandatory school keep clear (Article 2 (e), (f), (g), (h) and (i)). The Order also revokes and re-enacts the prohibitions of the Footways (Prohibition of Waiting) Order (Northern Ireland) 2015. 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 this Order will in due course be placed on the roads.