

2010 No. 88

PLANNING

**The Extinguishment of Right to Use Vehicles on Roads
(Londonderry) Order (Northern Ireland) 2010**

Made - - - - *10th March 2010*

Coming into operation - *1st July 2010*

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 roads and 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 (Londonderry) Order (Northern Ireland) 2010 and shall come into operation on 1st July 2010.

(2) In this Order—

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

“taxi” has the same meaning as in regulation 2 of the Traffic Signs Regulations (Northern Ireland) 1997^(d).

Extinguishment of right to use vehicles

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

(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) S.R. 1997 No. 386

Exceptions

3.—(1) Notwithstanding Article 2, a vehicle may be used on a road or 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 road or length of road.

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

Revocations

4. The Orders described in Schedule 3 are revoked.

Sealed with the Official Seal of the Department for Regional Development on 10th March 2010

(L.S.)

D J Millar

A senior officer of the Department for Regional Development

SCHEDULE 1

Articles 2 and 3(1)

Descriptions of Roads and Lengths of Road

All in the City of Londonderry

| <i>(1)</i> <i>Item</i> <i>No.</i> | <i>(2)</i> <i>Roads</i> | <i>(3)</i> <i>Exceptions</i> |
|---|--|--|
| 1. | Castle Gate. | Items 1, 2, 3, 4, 5, 6, 7 and 8 as set out in Schedule 2. |
| 2. | Castle Street. | Items 1, 2, 3, 4, 5, 6, 7 and 8 as set out in Schedule 2. |
| 3. | Custom House Street for a distance of 54 metres from its junction with Shipquay Place. | Items 1, 2, 3, 4, 5, 6, 7 and 8 as set out in Schedule 2. |
| 4. | Guildhall Street for a distance of 43.5 metres from its junction with Shipquay Place. | Items 1, 2, 3, 4, 5, 6, 7 and 8 as set out in Schedule 2. |
| 5. | Magazine Gate. | Items 1, 2, 3, 4, 5, 6, 7 and 8 as set out in Schedule 2. |
| 6. | Magazine Street from its junction with Shipquay Place to a point 34 metres north-east of its junction with Butcher Street. | Items 1, 2, 3, 4, 5, 6, 7 and 8 as set out in Schedule 2. |
| 7. | Police Court Street. | Items 1, 2, 3, 4, 5, 6, 7 and 8 as set out in Schedule 2. |
| 8. | Shipquay Place from its junction with Waterloo Place to a line running from the south-east corner of the Guildhall to the north-east corner of No. 42 Shipquay Street. | Items 1, 2, 3, 4, 5, 6, 7 and 8 as set out in Schedule 2. |
| 9. | Union Hall Place. | Items 1, 2, 3, 4, 5, 6, 7 and 8 as set out in Schedule 2. |
| 10. | Waterloo Place from its junction with Shipquay Place to a line running from the north corner of No. 54 Waterloo Street to the southerly corner of No. 10 Waterloo Place. | Items 1, 2, 3, 4, 5, 6, 7 and 8 as set out in Schedule 2. |
| 11. | Waterloo Street from a point 10 metres south of its junction with Waterloo Place to its junction with High Street. | Items 1, 2, 3, 4, 5, 6, 7 and 8 as set out in Schedule 2. |
| 12. | Waterloo Street from its junction with Harvey Street for a distance of 82 metres in a south-easterly direction. | Items 1, 2, 3, 4, 5, 6, 7, 8 and 9 as set out in Schedule 2. |

SCHEDULE 2

Article 3(2)

Exceptions

| <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 roads or lengths of road, between the hours of 5 p.m. and 11 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 roads or lengths of roads 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 the permission of a constable in uniform; |
| 6. | where the vehicle is being used on or adjacent to the roads or 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 roads or 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 is a taxi and provided always that the taxi shall not be permitted to use the roads or lengths of road for any longer period than may be necessary for the taking up or setting down of persons. |

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

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

SCHEDULE 3

Article 4

Revocations

Extinguishment of Right to use Vehicles on Roads (Londonderry) Order (Northern Ireland) 1989**(a)**;

Extinguishment of Right to use Vehicles (Waterloo Street, Londonderry) Order (Northern Ireland) 1993**(b)**;

(a) S.R. 1989 No. 19
(b) S.R. 1993 No. 3

EXPLANATORY NOTE

(This note is not part of the Order)

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

Schedule 1 includes some of those roads and lengths of road comprised in the Orders specified in Schedule 3 which are being revoked.

Provision is made for permitting the use of the roads and 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 erected on the road.