

2022 No. 266

ROAD TRAFFIC AND VEHICLES

**The Parking and Waiting Restrictions (Ballycastle) Order
(Northern Ireland) 2022**

Made - - - - - *25th October 2022*

Coming into operation - *16th November 2022*

The Department for Infrastructure^(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, and paragraph 5 of Schedule 1 to, 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 length of road specified in Schedule 1 to this Order.

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.

One objection has been received and subsequently withdrawn and no other representations have been received.

The Department has modified the draft Order

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Parking and Waiting Restrictions (Ballycastle) Order (Northern Ireland) 2022 and shall come into operation on 16th November 2022.

(2) In this Order—

(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

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

“parking place” means a length of road authorised by Article 2 to be used as a parking place;

“parking space” means a space which is marked out in a parking place for the leaving of a vehicle;

“postal packet” has the same meaning as in section 65(1) of the Postal Services Act 2011(b);

“specified hours” means the hours between 8.30 a.m. and 6.00 p.m. on the days Monday to Saturday inclusive; and

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

Authorisation of parking places

2. The use as parking places of the length of road specified in Schedule 1 is authorised.

Position within a parking place

3. Save as provided in Article 5, a person shall not leave or cause a vehicle to be left in a parking place specified in Schedule 1 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 in a parking place specified in Schedule 1 for longer than 1 hour;
- (b) a person shall not leave or cause a vehicle to be left again in a parking place specified in Schedule 1 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 specified in Schedule 1 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; or
- (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 purposes outside that parking place, to be used—
 - (i) in connection with any building, repair or demolition operations;

(a) 1983 c. 54

(b) 2011 c. 5

- (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^(a) or of a licence granted under Article 8 of the Gas (Northern Ireland) Order 1996^(b);
 - (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); or
- (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 specified in Schedule 1 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 specified in Schedule 1 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 specified in Schedule 1 in an emergency.

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

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.

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—
- (a) at any time on a length of road specified in Part 1 of Schedule 2; or
 - (b) during the hours between 8.30 a.m. and 6.00 p.m. on the days Monday to Saturday inclusive on the lengths of road specified in Part 2 of Schedule 2.

Exceptions to prohibition of waiting

12.—(1) Nothing in Article 11 shall render it unlawful for a person to cause or permit a vehicle to wait on the carriageway of a length of road specified in Schedule 2 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.
- (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 a period exceeding 2 minutes whether or not the vehicle is moved during that period.

Revocations

13. The Waiting Restrictions (Ballycastle) Order (Northern Ireland) 2013(a) is revoked.

Sealed with the Official Seal of the Department of Infrastructure on 25th October 2022

(L.S.)

Elizabeth Loughran
A senior officer of the Department for Infrastructure

(a) S.R. 2013 No. 271

SCHEDULE 1

Article 2

PARKING PLACES IN BALLYCASTLE – Monday to Saturday 8.30 a.m. to 6.00 p.m. — Maximum stay 1 hour — No return within 1 hour

Castle Street (south side) – from a point 15 metres south-west of its junction with Fairhill Street for a distance of 13 metres in a south-westerly direction.

SCHEDULE 2

Article 11

WAITING RESTRICTIONS IN BALLYCASTE

PART 1

No Waiting at any time — Loading and unloading permitted

1. Castle Street (north-west side) – from a point 49 metres north-east of its junction with Clare Street for a distance of 12 metres in a north-easterly direction.
2. Strand Cottages (north-west side) – from a point 127 metres south-west of the junction of Sheskburn Avenue with Mary Street for a distance of 7 metres in a south-westerly direction.
3. Strand Cottages (south-east side) – from a point 91 metres south-west of the junction of Sheskburn Avenue with Mary Street for a distance of 16 metres in a south-westerly direction.
4. Strand Cottages (south-east side) – from a point 142 metres south-west of the junction of Sheskburn Avenue with Mary Street for a distance of 16 metres in a south-westerly direction.
5. Strand Court (north-east and south-east side) – from a point 15 metres north-west of its junction with Strand Cottages for a distance of 18 metres in a north-westerly and then north-easterly direction.
6. Strand Court (south-west and north-west side) – from a point 15 metres north-west of its junction with Strand Cottages for a distance of 27 metres in a north-westerly and then north-easterly direction.

PART 2

No Waiting Monday to Saturday 8.30 a.m. to 6.00 p.m. – Loading and unloading permitted

Quay Road (south-east side) – from a point 132 metres south-west of its junction with Mary Street for a distance of 13 metres in a south-westerly direction.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order authorises the use as parking places of the length of road specified in Schedule 1 (Article 2) and prescribes the conditions under which the parking places may be used (Articles 3, 4 and 7). Vehicles are excepted 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 waiting on the lengths of road specified in Schedule 2 (Article 11). Vehicles are excepted from the prohibitions in certain circumstances (Article 12).

The Order also revokes the provision specified in Article 13 and re-enacts the 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.