

2024 No. 221

ROAD TRAFFIC AND VEHICLES

**The Parking and Waiting Restrictions (Fivemiletown) Order
(Northern Ireland) 2024**

Made - - - - - *19th December 2024*

Coming into operation *10th January 2025*

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 the Road Traffic Regulation (Northern Ireland) Order 1997^(b) (“the 1997 Order”) and now vested in it^(c).

In accordance with Article 10(1) of the 1997 Order it appears to the Department to be necessary to provide suitable parking places for vehicles on the lengths of roads as specified in Schedule 1 to this Order.

In accordance with Articles 4(6) and 10(7) of, and paragraphs 1 and 2 of Schedules 1 and 4 to the 1997 Order, the Department has consulted such persons as it considers appropriate.

The Department has published a notice in compliance with paragraphs 1 and 3 of those Schedules.

In compliance with paragraph 3(4) of Schedule 4 to the 1997 Order, the Department has taken such other steps as appear to it 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.

No written objection or representation has been received.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Parking and Waiting Restrictions (Fivemiletown) Order (Northern Ireland) 2024 and shall come into operation on 10th January 2025.

(2) In this Order—

“medical practitioner” means a fully registered person within the meaning of section 55(1) of the Medical Act 1983^(d);

(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) 1983 c. 54

“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(a);

“specified hours” means the hours between 8.00 a.m. and 7.00 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 lengths of the roads 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 unless it is wholly within a parking space where such as 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 2 hours;
- (b) a person shall not leave or cause that vehicle to be left again in that parking place 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 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;
- (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;
 - (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;

(a) 2011 c. 5

- (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 installation, laying, erection, alteration or repair of any electronic communications apparatus as defined in paragraph 5 of Schedule 3A to the Communications Act 2003^(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 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 that 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 installation, 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 paragraph 5 of Schedule 3A to the Communications Act 2003;
- (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 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 in an emergency.

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 a manner as is reasonably necessary and may take such measures as are reasonably necessary to enable that person to remove it.

(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) 2003 c. 21; Schedule 3A was inserted by section 4 of, and Schedule 1 to, the Digital Economy Act 2017 (2017 c. 20)
 (d) S.I. 1995/3210 (N.I. 19)

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 or Part 2 of Schedule 2; or
- (b) during the specified hours on a length of road specified in Part 3 of Schedule 2.

Exceptions to prohibition of waiting

12.—(1) Nothing in Article 11 shall render it unlawful 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 installation, laying, erection, alteration or repair of any electronic communications apparatus as defined in paragraph 5 of Schedule 3A to the Communications Act 2003.

(2) Nothing in Article 11 shall render it unlawful to cause or permit a vehicle to wait on the carriageway of a length of road specified in Part 1 and Part 3 of Schedule 2 for so long as may be reasonably necessary to enable goods to be loaded or unloaded from the vehicle.

(3) 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 Orders specified in Schedule 3 are revoked.

Sealed with the Official Seal of the Department for Infrastructure on 19th December 2024

(L.S.)

D J Millar

A senior officer of the Department for Infrastructure

SCHEDULE 1

Article 2

PARKING PLACES IN FIVEMILETOWN

Monday to Saturday 8.00 a.m. to 7.00 p.m. – Maximum Stay 2 hours; No return within 1 hour

1. Cooneen Road (north-east side) – from a point 15 metres south-east of its junction with Main Street, for a distance of 15 metres in a south-easterly direction.
2. Main Street (north-west side) – from a point 15 metres south-west of its eastern junction with Edfield Way, for a distance of 33 metres in a south-westerly direction.
3. Main Street (north-west side) – from a point 67 metres south-west of its eastern junction with Edfield Way, for a distance of 40 metres in a south-westerly direction.
4. Main Street (north-west side) – from a point 124 metres south-west of its eastern junction with Edfield Way, for a distance of 19 metres in a south-westerly direction.
5. Main Street (north-west side) – from a point 149 metres south-west of its eastern junction with Edfield Way, for a distance of 43 metres in a south-westerly direction.
6. Main Street (north-west side) – from a point 197 metres south-west of its eastern junction with Edfield Way, for a distance of 39 metres in a south-westerly direction.
7. Main Street (north-west side) – from a point 240 metres south-west of its eastern junction with Edfield Way, for a distance of 16 metres in a south-westerly direction.
8. Main Street (north-west side) – from a point 276 metres south-west of its eastern junction with Edfield Way, for a distance of 25 metres in a south-westerly direction.
9. Main Street (north-west side) – from a point 33 metres south-west of its western junction with Edfield Way, for a distance of 9 metres in a south-westerly direction.
10. Main Street (north-west side) – from a point 47 metres south-west of its western junction with Edfield Way, for a distance 4 metres in a south-westerly direction.
11. Main Street (north-west side) – from a point 62 metres south-west of its western junction with Edfield Way, for a distance of 9 metres in a south-westerly direction.
12. Main Street (north-west side) – from a point 78 metres south-west of its western junction with Edfield Way, for a distance of 8 metres in a south-westerly direction.

SCHEDULE 2

Article 11

WAITING RESTRICTIONS IN FIVEMILETOWN

PART 1

No waiting at any time – Loading and unloading permitted

1. Edfield Way (north-west side) – from a point 15 metres north-east of its junction with Clabby Road, to a point 15 metres south-west of its junction with Tudor Park.
2. Edfield Way (north-west side) – from a point 15 metres north-east of its junction with Tudor Park, to a point 15 metres south-west of its junction with Edfield Park.

PART 2

No waiting at any time – Loading and unloading not permitted

U7007 Ballylurgan Road (east and north sides) – from a point 27 metres south-east of its junction with Main Street, for a distance of 37 metres in a south-easterly and then north-easterly direction.

PART 3

No waiting Monday to Saturday 8.00 a.m. to 7.00 p.m. – Loading and unloading permitted

1. Cooneen Road (north-east side) – from a point 40 metres south-east of its junction with Main Street, for a distance of 40 metres in a south-easterly direction.
2. Main Street (north-west side) – from a point 48 metres south-west of its eastern junction with Edfield Way, for a distance of 19 metres in a south-westerly direction.
3. Main Street (north-west side) – from a point 107 metres south-west of its eastern junction with Edfield Way, for a distance of 17 metres in a south-westerly direction.
4. Main Street (north-west side) – from a point 256 metres south-west of its eastern junction with Edfield Way, for a distance of 14 metres in a south-westerly direction.
5. Main Street (north-west side) – from a point 15 metres south-west of its western junction with Edfield Way, for a distance of 19 metres in a south-westerly direction.

SCHEDULE 3

Article 13

Orders Revoked

1. The Parking and Waiting Restrictions (Fivemiletown) Order (Northern Ireland) 2014**(a)**.
2. The Parking and Waiting Restrictions (Fivemiletown) (Amendment) Order (Northern Ireland) 2015**(b)**.

(a) S.R. 2014 No. 281

(b) S.R. 2015 No. 245

EXPLANATORY NOTE

(This note is not part of the Order)

This Order authorises the use as parking places of the lengths 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 from the conditions 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).

This Order also prohibits vehicles from waiting on lengths of Edfield Way, Fivemiletown as specified in Part 1 of Schedule 2. Vehicles are excepted from the prohibition in certain circumstances.

The Order also revokes the provisions specified in Schedule 3 and re-enacts the parking and waiting restrictions therein.

A penalty charge (£90) is payable with respect to a vehicle involved in a contravention of this 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 items relating to Edfield Way, Fivemiletown specified above will in due course be placed on the road.