

2013 No. 111

ROAD TRAFFIC AND VEHICLES

**The Waiting Restrictions (Enniskillen) Order (Northern Ireland)
2013**

Made - - - - - *22nd April 2013*

Coming into operation - *14th May 2013*

The Department for Regional Development^(a) 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^(b) and now vested in it^(c).

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.

One written objection has been received and subsequently withdrawn and no other representation has been received.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 (Enniskillen) Order (Northern Ireland) 2013 and shall come into operation on 14th May 2013.

(2) In this Order —

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

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

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

(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, a person shall not cause or permit a vehicle to wait —
- (a) at any time on the lengths of road specified in Schedules 1 and 2;
 - (b) during the hours between 8.00 a.m. to 7.00 p.m. on the days Monday to Saturday inclusive on the lengths of road specified in Schedules 3 and 4.

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 a length of road specified in the Schedules 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^(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).

(2) Nothing in Article 2 shall render it unlawful to cause or permit a vehicle to wait on the carriageway of a length of road specified in Schedule 1 or Schedule 3 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

4. The Orders specified in Schedule 5 are revoked.

(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)

Sealed with the Official Seal of the Department for Regional Development on 22nd April 2013

(L.S.)

D J Millar

A senior officer of the Department for Regional Development

SCHEDULE 1

Article 2(a)

No Waiting at any Time

All in Enniskillen

1. Belmore Street (north side) – from a point 172 metres west of its junction with Forthill Road for a distance of 4 metres in front of the access to Forthill steps.
2. Crest Road (north and north-east sides) – from a point 15 metres south-east of its junction with Derrychara Drive for a distance of 40 metres in an easterly and southerly direction.
3. Crest Road (south and south-west sides) – from a point 15 metres south-east of its junction with Algeo Drive for a distance of 50 metres in an easterly and southerly direction.
4. Forthill Road (south-west side) – from a point 194 metres north-west of its junction with Forthill Street for a distance of 35 metres in an anti-clockwise direction around the turning head.
5. Forthill Road (south-west and south-east sides) – from a point 148 metres north-west of its junction with Forthill Street for a distance of 30 metres in a north-westerly and then south-westerly direction.
6. Forthill Road (west and south-west sides) – from a point 15 metres north of its junction with Forthill Street for a distance of 55 metres in a northerly and then north-westerly direction.
7. Forthill Road (north-east and north-west sides) – from a point 124 metres north-west of its junction with Forthill Street for a distance of 75 metres in a north-westerly and then south-westerly direction.

SCHEDULE 2

Article 2(a)

No Waiting at any Time (including no loading or unloading)

Forthill Road, Enniskillen (north-east side) – from a point 15 metres north-west of its junction with Forthill Street for a distance of 51 metres in a north-westerly direction.

SCHEDULE 3

Article 2(b)

No Waiting 8.00 a.m. to 7.00 p.m., Monday to Saturday

Forthill Road, Enniskillen (south-west side) – from a point 55 metres north-west of its junction with Forthill Street for a distance of 72 metres in a north-westerly direction.

SCHEDULE 4

Article 2(b)

No Waiting 8.00 a.m. to 7.00 p.m., Monday to Saturday (including no loading or unloading)

Paget Lane, Enniskillen (south-west side) – from a point 15 metres south-east of its junction with Paget Square for a distance of 43 metres in a south-easterly direction.

SCHEDULE 5

Article 4

Revocations

1. The Waiting Restrictions (Enniskillen) Order (Northern Ireland) 2009(a).
2. The Waiting Restrictions (Enniskillen) Order (Northern Ireland) 2011(b).
3. The Waiting Restrictions (Enniskillen) (Amendment) Order (Northern Ireland) 2011(c).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order prohibits vehicles from waiting on the lengths of road specified in–

- (a) Schedule 1 at any time; and
- (b) Schedule 2 at any time with loading and unloading also prohibited.

The Order also prohibits vehicles from waiting on the length of road specified in Schedule 3 between 8.00 a.m. and 7.00 p.m. Monday to Saturday.

The Order will also revoke the Orders specified in Schedule 5 and re-enact–

- (a) the no waiting prohibitions applying to Belmore Street, Crest Road and Forthill Road (south-west side); and
- (b) the no waiting prohibition (including no loading and unloading) applying to Paget Lane between 8.00 a.m. and 7.00 p.m. Monday to Saturday.

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 the Order will in due course be placed on the roads.

(a) S.R. 2009 No. 137
(b) S.R. 2011 No. 172
(c) S.R. 2011 No. 308