

2015 No. 267

ROAD TRAFFIC AND VEHICLES

**The Waiting Restrictions (Clogher) Order (Northern Ireland)
2015**

Made - - - - - *8th June 2015*

Coming into operation - *29th June 2015*

The Department for Regional Development(a) makes the following Order in exercise of the powers conferred by Article 4(1), (2) and (3) of 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.

No written objection or other representation has been received.

Citation, commencement and interpretation

1.—(1) This Order may be cited as The Waiting Restrictions (Clogher) Order (Northern Ireland) 2015 and shall come into operation on 29th June 2015.

(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.

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 Part 1 of the Schedule; or

(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

- (b) during the hours between 8.30 a.m. to 6.00 p.m. on Saturday on the lengths of road specified in Part 2 of the Schedule.

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 Schedule 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); 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 a period exceeding 2 minutes whether or not the vehicle is moved during that period.

Sealed with the Official Seal of the Department for Regional Development on 8th June 2015

(L.S.)

G F McKenna
A senior officer of the Department for Regional Development

(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)

SCHEDULE

Waiting Restrictions in Clogher

PART 1

No Waiting at any Time (Loading and Unloading Permitted)

1. Ballymagowan Road (south side) – from a point 150 metres south-east of its junction with Station Road for a distance of 83 metres in a south-easterly direction.
2. Station Road (north-west side) – from a point 380 metres north-east of its junction with Tullybroom Road for a distance of 45 metres in a north-easterly direction.

PART 2

No Waiting on Saturday from 8.30 a.m. to 6.00 p.m. (Loading and Unloading Permitted)

1. Ballymagowan Road (north side) – from a point 146 metres north-west of its junction with Crossowen Road for a distance of 178 metres in a north-westerly direction.
2. Ballymagowan Road (south side) – from a point 90 metres south-east of its junction with Station Road for a distance of 60 metres in a south-easterly direction.
3. Station Road (north-east side) – from a point 15 north of its junction with Ballymagowan Road for a distance of 56 metres in a northerly direction.
4. Station Road (north-east side) – from a point 15 south of its junction with Ballymagowan Road for a distance of 136 metres in a south-westerly direction.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order prohibits vehicles waiting on the lengths of road specified in:—

- (a) Part 1 of the Schedule at any time; and
- (b) Part 2 of the Schedule on Saturday between the hours of 8.30 a.m. and 6.00 p.m.

Vehicles are excepted from the prohibition 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.