

**2016 No. 124**

**ROAD TRAFFIC AND VEHICLES**

**The Parking and Waiting Restrictions (Dungannon) Order  
(Northern Ireland) 2016**

*Made* - - - - - *7th March 2016*

*Coming into operation* - *28th March 2016*

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

It appears to the Department to be necessary to provide suitable parking places for vehicles on the lengths of the roads specified in Schedule 1.

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 place the particulars specified in paragraph 3(2) 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 Parking and Waiting Restrictions (Dungannon) Order (Northern Ireland) 2016 and shall come into operation on 28th March 2016.

(2) In this Order—

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

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

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(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

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

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

### **Authorisation of parking places**

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

### **Maximum period of waiting in and further use of a parking place**

3.—(1) Subject to paragraph (2) and save as provided in Article 4—

- (a) a person shall not leave or cause a vehicle to be left in a parking place set out in Part 1 of Schedule 1 between the hours of 8.00 a.m. and 7.00 p.m. on the days Monday to Saturday inclusive, for longer than 1 hour;
- (b) a person shall not leave or cause a vehicle to be left in a parking place set out in Part 2 of Schedule 1 between the hours of 8.15 a.m. and 6.15 p.m. on the days Monday to Friday inclusive, for longer than 1 hour;
- (c) a person shall not leave or cause a vehicle to be left again in a parking place set out 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**

4.—(1) Nothing in Article 3(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 purpose 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;

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(a) 2000 c. 26

- (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).
- (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.

### **Suspension of the use of a parking place**

5. 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 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;
- (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**

6. A person not using a vehicle in connection with any of the undertakings specified in Article 5 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**

7. A person authorised by the Department may remove a vehicle from a parking place in an emergency.

### **Method of removal of a vehicle**

8. Any person removing a vehicle by virtue of Article 7 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.

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(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 Schedule 3 para. 2(2)  
 (d) S.I. 1995/3210 (N.I. 19)

### **Custody of a vehicle**

9. 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 7 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**

10. Save as provided in Article 11, a person shall not cause or permit a vehicle to wait—

- (a) at any time on the lengths of road specified in Part 1 or Part 3 of Schedule 2; or
- (b) during the hours between 8.30 a.m. to 6.15 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**

11.—(1) Nothing in Article 10 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 the 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 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.

(2) Nothing in Article 10 shall render it unlawful to cause or permit a vehicle to wait on the carriageway of a length of road specified in Part 1 or Part 2 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**

12. The Orders specified in Schedule 3 are revoked.

Sealed with the Official Seal of the Department for Regional Development on 7th March 2016

(L.S.)

*G F McKenna*

A senior officer of the Department for Regional Development

## SCHEDULE 1

Article 2

### Parking Places

#### PART 1

Monday to Saturday 8.00 a.m. to 7.00 p.m. — Maximum stay 1 hour, no return within 1 hour

##### **All in Dungannon**

1. Park Road (east side) – from a point 25 metres south of its junction with Perry Street, for a distance of 11 metres.
2. Park Road (east side) – from a point 52 metres south of its junction with Perry Street, for a distance of 20 metres.

#### PART 2

Monday to Friday 8.15 a.m. to 6.15 p.m. — Maximum stay 1 hour, no return within 1 hour

##### **All in Dungannon**

1. Killyman Road, (south-east side in a lay-by) – from a point 190 metres north-west of its junction with Killymerron Park, for a distance of 62 metres in a north-westerly direction.
2. Killyman Road, (south-east side in a lay-by) – from a point 255 metres north-west of its junction with Killymerron Park, for a distance of 33 metres in a north-westerly direction.
3. Killyman Road, (south-east side in a lay-by) – from a point 296 metres north-west of its junction with Killymerron Park, for a distance of 12 metres in a north-westerly direction.
4. Killyman Road, (south-east side in a lay-by) – from a point 345 metres north-west of its junction with Killymerron Park, for a distance of 14 metres in a north-westerly direction.

## SCHEDULE 2

Article 10

### Waiting Restrictions

#### PART 1

No Waiting at any time (Loading and Unloading Permitted)

##### All in Dungannon

1. Dunlea Vale (north-east side) – from a point 15 metres south-east of its junction with Oaks Road, for a distance of 90 metres in a south-easterly direction.
2. Fairmount Park (south-east side) – from a point 15 metres south-west of its junction with Anne Street, for a distance of 50 metres in a south-westerly direction.
3. Fairview (both sides) – from its junction with Gallows Hill, for a distance of 14 metres in a south-westerly direction.
4. Gallows Hill (both sides) – from its junction with Fairview, for a distance of 15 metres in a north-easterly direction.
5. Moy Road (south-west side) – from a point 322 metres south-east of its junction with Main Road, for a distance of 50 metres in a south-easterly direction.

#### PART 2

No Waiting — Monday to Saturday 8.30 a.m. to 6.15 p.m. (Loading and Unloading Permitted)

##### All in Dungannon

1. Ballygawley Road (south-west side) – from a point 15 metres north-west of its junction with Linfield Street, for a distance of 121 metres in a north-westerly direction.
2. Barrack Street (north-east side) – from a point 15 metres south-east of its junction with Scotch Street, for a distance of 125 metres in a south-easterly direction.
3. Killyman Road (north-east side) – from a point 15 metres south-east of its junction with Orpheus Drive, to a point 15 metres north-west of its junction with Bush Road in a south-easterly direction.
4. Killyman Road (south-west side) – from a point 15 metres north-west of its junction with Killymerron Park, for a distance of 175 metres in a north-westerly direction.
5. Thomas Street (east side) – from a point 15 metres north of its junction with Feeney Lane, for a distance of 16 metres in a northerly direction.
6. Union Place (north-east side) – from a point 105 metres north-east of its junction with Greers Road, for a distance of 40 metres in a south-easterly and south-westerly direction.
7. Union Place (north-west side) – from a point 44 metres north of its junction with Greers Road, for a distance of 39 metres in a north-easterly direction.
8. Union Place (south-east side) – from a point 53 metres north of its junction with Greers Road, for a distance of 48 metres in a north-easterly and south-easterly direction.

## PART 3

No Waiting at any time (Loading and Unloading Not Permitted)

### **All in Dungannon**

1. Killyman Road, Route B34 (both sides) – from a point 560 metres north-west of its junction with Far Circular Road, Route B517, for a distance of 110 metres in a north-westerly direction.
2. Northland Row, Route A29, (south-east side) – from a point 70 metres north-east of its junction with Northland Place, Route A29, for a distance of 30 metres in a north-easterly direction.



## SCHEDULE 3

Article 12

### Orders Revoked

1. The Parking Places on Roads (Dungannon) Order (Northern Ireland) 2008**(a)**.
2. The Waiting Restrictions (Dungannon) Order (Northern Ireland) 2013**(b)**.
3. The Waiting Restrictions (Dungannon) (Amendment) Order (Northern Ireland) 2014**(c)**.
4. The Waiting Restrictions (Dungannon) (Amendment No. 2) Order (Northern Ireland) 2014**(d)**.
5. The Parking and Waiting Restrictions (Dungannon) Order (Northern Ireland) 2015**(e)**.

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**(a)** S.R. 2008 No. 345  
**(b)** S.R. 2013 No. 230  
**(c)** S.R. 2014 No. 13  
**(d)** S.R. 2014 No. 244  
**(e)** S.R. 2015 No. 337

## **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 and 6). Vehicles are excepted from the conditions in certain circumstances (Article 4). The Order also makes provision for the suspension of the use of a parking place (Article 5) and for the removal of a vehicle from a parking place in an emergency (Articles 7 and 8) and for its safe custody (Article 9).

The Order also prohibits vehicles from waiting on the lengths of road specified in Schedule 2 (Article 10). Vehicles are excepted from the prohibition in certain circumstances (Article 11).

The Order also revokes the Orders specified in Schedule 3 (Article 12) 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 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.