

2017 No. 179

ROAD TRAFFIC AND VEHICLES

**The Parking and Waiting Restrictions (Whiteabbey) Order
(Northern Ireland) 2017**

Made - - - - - *5th September 2017*

Coming into operation - - - - - *26th September 2017*

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) 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 places 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 (Whiteabbey) Order (Northern Ireland) 2017 and shall come into operation on 26th September 2017.

(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;

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

- (a) on the days Monday to Friday inclusive between the hours of 8.00 a.m. and 7.00 p.m.—
 - (i) a person shall not leave or cause a vehicle to be left in a parking place specified in Part 1 of Schedule 1 for longer than 2 hours;
 - (ii) a person shall not leave or cause a vehicle to be left again in that parking place until the expiration of 4 hours from the time that vehicle is removed from that parking place;
- (b) on the days Monday to Saturday inclusive between the hours of 8.00 a.m. and 6.00 p.m.—
 - (i) a person shall not leave or cause a vehicle to be left in a parking place specified in Part 2 of Schedule 1 for longer than 2 hours;
 - (ii) a person shall not leave or cause a vehicle to be left again in that parking place until the expiration of 2 hours 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 and 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) (i) a person to board or alight from a vehicle left in a parking place specified in Part 1 of Schedule 1 before the expiration of 4 hours 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
- (ii) a person to board or alight from a vehicle left in a parking place specified in Part 2 of Schedule 1 before the expiration of 2 hours 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;

(a) 2000 c. 26

- (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;
 - (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.

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 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 where the use of that parking place has been suspended by the Department in accordance with that Article.

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

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 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 at any time on a length of road specified in 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 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.
- (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.

Amendments

13. The Parking and Waiting Restrictions (Newtownabbey) Order (Northern Ireland) 2015(a) is amended by the deletion of item no. 5 relating to Shore Road, Whiteabbey Village from Part 1 of Schedule 2 to that Order.

14. The Parking Places (Disabled Persons' Vehicles) Order (Northern Ireland) 2016(b) is amended by the substitution for item nos. 1798 and 1799 in Schedule 1 to that Order of the following:—

- “1798. Shore Road, Whiteabbey (Unclassified No. 0421) (south-east side) – from a point 173 metres north-east of its south-western junction with Shore Road (Route A2), for a distance of 7 metres.
1799. Shore Road, Whiteabbey (Unclassified No. 0421) (south-east side) – from a point 400 metres north-east of its south-western junction with Shore Road (Route A2), for a distance of 8 metres.”

Revocation

15. The Parking Places on Roads (Whiteabbey) Order (Northern Ireland) 2011(c) is revoked

Sealed with the Official Seal of the Department for infrastructure on 5th September 2017

(L.S.)

G F McKenna
A senior officer of the Department for Infrastructure

(a) S.R. 2015 No 222 as amended by S.R. 2016 No 381
(b) S.R. 2016 No. 131 to which there are no relevant amendments
(c) S.R. 2011 No. 381

SCHEDULE 1

Article 2

PARKING PLACES IN WHITEABBEY

PART 1

Monday to Friday 8.00 a.m. to 7.00 p.m. — maximum stay 2 hours — no return within 4 hours

1. Shore Road (Unclassified No. 0421) (south-east side) – from a point 28 metres north-east of its south-westerly junction with Shore Road (Route A2) for a distance of 24 metres in a north-easterly direction.
2. Shore Road (Unclassified No. 0421) (south-east side) – from a point 57 metres north-east of its south-westerly junction with Shore Road (Route A2) for a distance of 16 metres in a north-easterly direction.
3. Shore Road (Unclassified No. 0421) (south-east side) – from a point 98 metres north-east of its south-westerly junction with Shore Road (Route A2) for a distance of 11 metres in a north-easterly direction.
4. Shore Road (Unclassified No. 0421) (south-east side) – from a point 118 metres north-east of its south-westerly junction with Shore Road (Route A2) for a distance of 16 metres in a north-easterly direction.
5. Shore Road (Unclassified No. 0421) (south-east side) – from a point 139 metres north-east of its south-westerly junction with Shore Road (Route A2) for a distance of 24 metres in a north-easterly direction.

PART 2

Monday to Saturday 8.00 a.m. to 6.00 p.m. — maximum stay 2 hours — no return within 2 hours

1. Shore Road (Unclassified No. 0421) (south-east side) – from a point 180 metres north-east of its south-westerly junction with Shore Road (Route A2) for a distance of 63 metres in a north-easterly direction.
2. Shore Road (Unclassified No. 0421) (south-east side) – from a point 248 metres north-east of its south-westerly junction with the Shore Road (Route A2) for a distance of 5 metres in a north-easterly direction.
3. Shore Road (Unclassified No. 0421) (south-east side) – from a point 296 metres north-east of its south-westerly junction with Shore Road (Route A2) for a distance of 12 metres in a north-easterly direction.
4. Shore Road (Unclassified No. 0421) (south-east side) – from a point 324 metres north-east of its south-westerly junction with Shore Road (Route A2) for a distance of 33 metres in a north-easterly direction.
5. Shore Road (Unclassified No. 0421) (south-east side) – from a point 368 metres north-east of its south-westerly junction with Shore Road (Route A2) for a distance of 32 metres in a north-easterly direction.
6. Shore Road (Unclassified No. 0421) (south-east side) – from a point 408 metres north-east of its south-westerly junction with Shore Road (Route A2) for a distance of 52 metres in a north-easterly direction.
7. Shore Road (Unclassified No. 0421) (south-east side) – from a point 20 metres north-east of its north-eastern junction with Shore Road (Route A2) for a distance of 65 metres in a north-easterly direction.

SCHEDULE 2

Article 11

WAITING RESTRICTIONS IN WHITEABBEY — No Waiting at any Time (Loading and Unloading permitted)

1. Shore Road (Unclassified No. 0421) (north-west side) – from a point 15 metres north-east of its junction with Glenavna Manor to a point 15 metres south-west of its junction with Old Manse Road.
2. Shore Road (Unclassified No. 0421) (north-west side) – from a point 15 metres north-east of its junction with Old Manse Road to a point 87 metres north-east of that junction.
3. Shore Road (Unclassified No. 0421) (north-west side) – from a point 15 metres north-east of its junction with Circular Road to a point 15 metres south-west of its junction with Chestnut Hill.
4. Shore Road (Unclassified No. 0421) (south-east side) – from a point 15 metres north-west of its south-westerly junction with Shore Road (Route A2) for a distance of 13 metres in a north-easterly direction.
5. Shore Road (Unclassified No. 0421) (south-east side) – from a point 52 metres north-east of its south-westerly junction with Shore Road (Route A2) for a distance of 5 metres in a north-easterly direction.
6. Shore Road (Unclassified No. 0421) (south-east side) – from a point 73 metres north-east of its south-westerly junction with Shore Road (Route A2) for a distance of 25 metres in a north-easterly direction.
7. Shore Road (Unclassified No. 0421) (south-east side) – from a point 109 metres north-east of its south-westerly junction with Shore Road (Route A2) for a distance of 9 metres in a north-easterly direction.
8. Shore Road (Unclassified No. 0421) (south-east side) – from a point 134 metres north-east of its south-westerly junction with Shore Road (Route A2) for a distance 5 metres in a north-easterly direction.
9. Shore Road (Unclassified No. 0421) (south-east side) – from a point 163 metres north-east of its south-westerly junction with Shore Road (Route A2) for a distance of 10 metres in a north-easterly direction.
10. Shore Road (Unclassified No. 0421) (south-east side) – from a point 243 metres north-east of its south-westerly junction with Shore Road (Route A2) for a distance of 5 metres in a north-easterly direction.
11. Shore Road (Unclassified No. 0421) (south-east side) – from a point 253 metres north-east of its south-westerly junction with Shore Road (Route A2) for a distance of 43 metres in a north-easterly direction.
12. Shore Road (Unclassified No. 0421) (south-east side) – from a point 308 metres north-east of its south-westerly junction with Shore Road (Route A2) for a distance of 16 metres in a north-easterly direction.
13. Shore Road (Unclassified No. 0421) (south-east side) – from a point 357 metres north-east of its south-westerly junction with Shore Road (Route A2) for a distance of 11 metres in a north-easterly direction.
14. Shore Road (Unclassified No. 0421) (south-east side) – from a point 460 metres north-east of its south-westerly junction with Shore Road (Route A2) to a point 15 metres south-west of its north-easterly junction with Shore Road (Route A2).
15. Shore Road (Unclassified No. 0421) (south-east side) – from a point 15 metres north-east of its north-easterly junction with Shore Road (Route A2) for a distance of 5 metres in a north-easterly direction.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order—

- (a) authorises the use as parking places of the lengths of Shore Road, Whiteabbey 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);
- (b) prohibits vehicles from waiting on the lengths of Shore Road, Whiteabbey specified in Schedule 2 (Article 11). Vehicles are excepted from the prohibition in certain circumstances (Article 12);
- (c) revokes existing parking and waiting restrictions on Shore Road, Whiteabbey (Articles 13 and 15); and
- (d) amends The Parking Places (Disabled Persons' Vehicles) Order (Northern Ireland) 2016 by the substitution in Schedule 1 of new descriptions for 2 items on Shore Road, Whiteabbey (Article 14).

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 road.