

2021 No. 193

ROAD TRAFFIC AND VEHICLES

**The Waiting Restrictions and Urban Clearways (John Street and
Kevlin Road, Omagh) Order (Northern Ireland) 2021**

Made - - - - 30th June 2021

Coming into operation - 26th July 2021

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) 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 Schedules 1 and 4 to that Order.

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 Waiting Restrictions and Urban Clearways (John Street and Kevlin Road, Omagh) Order (Northern Ireland) 2021 and shall come into operation on 26th July 2021.

(2) In this Order —

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

“postal packet” has the same meaning as in section 65(1) of the Postal Services Act 2011^(e);

“specified hours” means the hours between 9.30 a.m. and 3.30 p.m. on the days Monday to Saturday inclusive; and

(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

(e) 2011 c. 5

“universal service provider” has the same meaning as in section 65(1) of the Postal Services Act 2011.

Restriction of Waiting

2. Save as provided in Article 3 during the specified hours—
- (a) a person shall not cause or permit a vehicle to be left on a length of road specified in Schedule 1 for longer than 1 hour; and
 - (b) a person shall not cause or permit a vehicle to be left again on that length of road until the expiration of 1 hour from the time that vehicle is removed from that length of road.

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 Schedule 1 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) 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.

Removal of a vehicle in an emergency

4. A person authorised by the Department may remove a vehicle from a length of road specified in Schedule 1 in an emergency.

(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 paragraph 2(2)

Method of removal of a vehicle

5. Any person removing a vehicle by virtue of Article 4 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

6. When a person authorised by the Department removes or makes arrangements for the removal of a vehicle from a length of road by virtue of Article 4 that person shall make such arrangements as may be necessary for the safe custody of the vehicle.

Amendments

7. The Parking and Waiting Restrictions (Omagh) Order (Northern Ireland) 2013(a) is amended by the deletion of item no. 11 in Schedule 1 referred to as Kevlin Road;

8. Schedule 1 to The Urban Clearways Order (Northern Ireland) 2016(b) is amended by the addition of the items specified in Schedule 2 to this Order.

Sealed with the Official Seal of the Department for Infrastructure on 30th June 2021

(L.S.)

D J Millar
A senior officer of the Department for Infrastructure

(a) S.R. 2013 No. 273 to which there are no relevant amendments
(b) S.R. 2016 No. 130: relevant amending Order is S.R. 2017 No. 197

SCHEDULE 1

Article 2

WAITING RESTRICTIONS IN OMAGH — Monday to Saturday 9.30 a.m. to 3.30p.m. — Maximum stay 1 hour — no return within 1 hour

1.	John Street (north side) – from a point 15 metres west of its junction with Church Hill for a distance of 33 metres in a westerly direction.
2.	Kevlin Road (north-east side) – from a point 15 metres south-east of its junction with Kevlin Avenue for a distance of 53 metres in a south-easterly direction.

SCHEDULE 2

Article 8

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| “192. | John Street, Omagh, (north side) – from a point 15 metres west of its junction with Church Hill for a distance of 33 metres in a westerly direction. | 8.00 a.m. to 9.30 a.m. and 3.30 p.m. to 6.00 p.m. | Monday to Saturday inclusive |
| 193. | Kevlin Road, Omagh (north-east side) – from a point 15 metres south-east of its junction with Kevlin Avenue for a distance of 53 metres in a south-easterly direction. | 8.00 a.m. to 9.30 a.m. and 3.30 p.m. to 6.00 p.m. | Monday to Saturday inclusive.” |

EXPLANATORY NOTE

(This note is not part of the Order)

This Order prohibits vehicles from waiting (including no loading and unloading) on the lengths of roads specified in Schedule 1 for longer than 1 hour with return prohibited until a period of 1 hour has elapsed between 9.30 a.m. and 3.30 p.m. on Monday to Saturday inclusive (Article 2). Vehicles are excepted from the prohibition in certain circumstances (Article 3). The Order also makes provision for the removal of a vehicle from the lengths of road in an emergency (Articles 4 and 5) and for its safe custody (Article 6).

The Order also amends The Parking and Waiting Restrictions (Omagh) Order (Northern Ireland) 2013 by deleting an existing parking place with limited waiting on Kevlin Road (Article 7).

The Order also amends The Urban Clearways Order (Northern Ireland) 2016 by creating lengths of urban clearway between the hours 8.00 a.m. to 9.30 a.m. and 3.30 p.m. to 6.00 p.m. Monday to Saturday (inclusive) on lengths of John Street and Kevlin Road, Omagh (Article 8).

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.