

2014 No.

ROAD TRAFFIC AND VEHICLES

**The On-Street Parking (Residents Parking Zone – Rugby Road /
College Park Avenue Area, Belfast) Order (Northern Ireland)
2014**

Made - - - - 2014

Coming into operation - 2014

The Department for Regional Development(a) makes the following Order in exercise of the powers conferred on it by Articles 4(1), (2) and (3), 15, 16, 17, 18(3) and 21 of the Road Traffic Regulation (Northern Ireland) Order 1997(b) and now vested in it(c).

The Department in exercise of the power conferred on it by Article 15(1) of that Order designates the parking places specified in Schedule 2 to this Order as a controlled parking zone.

The Department in compliance with Article 15(2) and (3) of that Order has considered both the interests of traffic and those of the owners and occupiers of adjoining property.

The Department has consulted such persons as the Department considered appropriate in compliance with paragraphs 1 and 2 of Schedule 4 to that Order.

The Department has published a notice in compliance with paragraphs 1 and 3 of that Schedule.

The Department in compliance with paragraph 3(4) of that Schedule has taken such other steps as appear to it 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.

(Here will follow, where appropriate, recitals of any objections or other representations received or inquiry held and the outcome thereof).

Citation, commencement and interpretation

1.—(1) This Order may be cited as The On-Street Parking (Residents Parking Zone – Rugby Road / College Park Avenue, Belfast) Order (Northern Ireland) 2014 and shall come into operation on 2014.

(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

(2) In this Order—

“bus” means a motor vehicle constructed or adapted to carry more than 8 passengers (exclusive of the driver);

“controlled parking zone” means an area in which all roads have been marked, except where parking places have been authorised under Articles 10 and 13 of the Regulation Order or designated under Article 7 of this Order, with one or more of the road markings shown in diagram 1017 to 1020.1 of the Traffic Signs Regulations (Northern Ireland) 1997(a), the entrance for vehicular traffic into the area being indicated by a sign shown in diagram 663 of those regulations;

“disabled person’s badge” means—

- (a) a badge issued, or having effect as if issued, under section 14 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978 (c. 53); or
- (b) a recognised badge within the meaning given by section 14A of that Act;

“disabled person’s vehicle” means a vehicle lawfully displaying a disabled person’s badge;

“electric vehicle” means any vehicle which uses one or more electric motors for propulsion;

“light goods vehicle” means a motor vehicle constructed or adapted for use for the carriage of goods the permissible maximum weight of which does not exceed 3.5 tonnes;

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

“motor car” means a mechanically propelled vehicle constructed solely for the carriage of passengers and their effects seating not more than 6 persons in addition to the driver;

“motor cycle” means a mechanically propelled vehicle having fewer than 4 wheels and the weight of which unladen does not exceed 410 kilograms;

“parking place” means the roads or lengths of road within a controlled parking zone designated as parking places under Article 7 and more particularly delineated on map No. RPE02 - Rugby Road / College Park Avenue Area, Belfast prepared by the Department under Article 36 of the Traffic Management (Northern Ireland) Order 2005(c) for the purposes of this Order;

“parking space” means a space which is marked out in a parking place for the leaving of a vehicle;

“pay and display machine” means an apparatus designed to issue a ticket indicating the day and time at which it was issued and the number of hours for which it is valid or the date and time at which the vehicle ought to leave the parking place;

“permit” means a permit issued in accordance with the permit scheme set out in Schedule 1 to this Order;

“permit scheme” means a scheme for residents parking set out in Schedule 1 to this Order;

“permitted vehicle” means a motor car, light goods vehicle, motor cycle or electric 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(d);

“residents parking zone” means an area within a controlled parking zone where a vehicle may be parked in a parking place with a permit;

“specified hours” means the hours between 08.00 a.m. to 06.00 p.m. on the days Monday to Friday inclusive, excluding Easter Monday and 12th and 13th July (or days in lieu) and 25th and 26th December (or days in lieu);

“the Regulation Order” means the Road Traffic Regulation (Northern Ireland) Order 1997;

(a) S.R. 1997 No. 386
(b) 1983 c. 54
(c) S.I. 2005/1964 (N.I. 14)
(d) 2000 c. 26

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

“wedding car” means a vehicle used as a bridal or attendant’s vehicle at a wedding solely for the purposes of the wedding ceremony.

Application

2.—(1) The permit scheme set out in Schedule 1 shall have effect.

(2) This Order shall have effect as if map No. RPE02 - Rugby Road / College Park Avenue Area, Belfast were part of the Order.

Control of parking in a controlled parking zone

3. Subject to Articles 4, 5, 6 and 12, a person shall not, except upon the direction or with the permission of a constable in uniform, cause or permit a vehicle to wait during the specified hours in a controlled parking zone unless it is within the limits of a parking place authorised under Articles 10 and 13 of the Regulation Order or designated under Article 7 of this Order.

Exceptions

4.—(1) Subject to Articles 5 and 6, nothing in Article 3, 9, 10 and 11 shall render it unlawful to cause or permit any vehicle to wait within a controlled parking zone during the specified hours 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 that 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 controlled parking zone of postal packets;
- (d) the vehicle, if it cannot conveniently be used for such purpose outside the controlled parking zone, to be used—
 - (i) in connection with the removal of any obstruction to traffic;
 - (ii) by or on behalf of a district council or a government department in pursuance of statutory powers or duties;
 - (iii) by or on behalf of a sewerage undertaker or a water undertaker in connection with the discharge of that undertaker’s functions;
 - (iv) 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);
 - (v) 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 unless otherwise indicated by a traffic sign; or
- (f) the vehicle to wait where the person in control of it is prevented from proceeding by circumstances beyond that person’s control or to avoid an accident.

(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)

(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 the period exceeding 2 minutes whether or not the vehicle is moved during that period.

5. Nothing in Article 10 shall render it unlawful to leave or cause a vehicle to be left in a parking place where the vehicle is being used in accordance with a permit.

6. Save for the purposes or circumstances set out in Article 4(1)(b), 4(1)(d)(iii) or 4(1)(f) a person shall not, during the specified hours within a controlled parking zone, cause or permit a vehicle—

- (a) to wait in a road within such distance of its junction with any other road as may be indicated by the road markings shown in diagram 1018.1 of the Traffic Signs Regulations (Northern Ireland) 1997;
- (b) other than a bus to wait within the limits of any bus stop as delineated by markings on the carriageway;
- (c) to wait in such a position as to obstruct access to any premises;
- (d) to wait in a carriageway except close to and alongside the edge thereof unless otherwise indicated by markings on the carriageway;
- (e) other than a goods vehicle to wait within the limits of a loading bay authorised for use by goods vehicles under Articles 10 and 13 of the Regulation Order; or
- (f) to wait within the limits of a parking place specified in Schedule 1 to The Parking Places, Loading Bay and Waiting Restrictions (Botanic Court, Carmel Street and Rugby Road, Belfast) Order (Northern Ireland) 2014(a) for no longer than 10 minutes with no return to that parking place within one hour.

Designation of parking places in a controlled parking zone

7. Each road or length of road specified in the second column of a table in Schedule 2 is designated as a parking place in a controlled parking zone for a permitted vehicle.

Use of designated parking places

8. The driver of a vehicle shall not leave it in a parking place specified in a table in—

- (a) Part 1 of Schedule 2 unless it is a permitted vehicle.
- (b) Part 2 of Schedule 2 unless it is a permitted vehicle for which a permit has been issued.

Position within a designated parking place

9. Save as provided in Article 4, a person shall not leave or cause a vehicle to be left in a parking place during the specified hours unless it is wholly within a parking space where such has been marked out.

Position within an allocated parking space

10. Subject to Article 5, a person shall not leave a vehicle for which a permit has been issued in a parking space allocated to that permit by the Department unless it is wholly within the parking space, where such has been marked out.

Period for which a vehicle may wait

11.—(1) Subject to paragraphs (2), (3) and (4), and save as provided in Articles 4 and 5, during the specified hours a person shall not leave or cause a vehicle to be left in a parking place.

(a) S.R. 2014 No. XXX

- (2) The prohibitions in paragraph (1) shall not apply to:—
- (a) a disabled person’s vehicle; or
 - (b) a wedding car or a hearse engaged in a wedding or a funeral, as the case may be, from premises located within that residents parking zone, which shall be deemed to have been issued with a permit; or
 - (c) a vehicle for which the appropriate charge has been paid in respect of a parking place specified in a table in Part 1 of Schedule 2;
 - (d) a vehicle for which a resident’s permit, a visitor’s permit, a business resident’s permit, a health carer’s permit or a special permit has been issued by the Department.

(3) The driver of a vehicle for which the appropriate charge has been paid shall not leave it in a parking place specified in a table in Part 1 of Schedule 2 for longer than 2 hours.

(4) Until the expiration of one hour from the time a vehicle for which the appropriate charge has been paid is removed from a parking space specified in a table in Part 1 of Schedule 2 a person shall not cause or permit that vehicle to be left again in that space.

Suspension of the use of a parking place

12. 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 that 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^(a);
- (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^(b) to be executed.

Prohibition of the use of a suspended parking place

13.—(1) The driver of a vehicle shall not leave it in a parking place where the use of that parking place has been suspended by the Department in accordance with Article 12 unless it is being used in connection with any of the undertakings specified in that Article.

(2) The driver of a vehicle shall not leave it in a parking place where the use of that parking place has been suspended by a constable in uniform in accordance with Article 18(3) of the Regulation Order.

Removal of vehicles in an emergency

14. A person authorised by the Department, a constable or a person authorised by a constable may remove a vehicle from a parking place in the case of any emergency.

(a) 1984 c. 12 as amended by 2003 c. 21 Sch. 3 para. 2(2)
(b) S.I. 1995/3210 (N.I. 19)

Method of removal

15. Any person removing a vehicle by virtue of Article 14 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 vehicle

16. When a person authorised by the Department, a constable or a person authorised by a constable removes or makes arrangements for the removal of a vehicle from a parking place by virtue of Article 14 or 15 that person shall make such arrangements as may be necessary for the safe custody of the vehicle.

Payment of charges

17.—(1) The driver of a vehicle leaving it in a parking place specified in Part 1 of Schedule 2 during the specified hours shall pay the appropriate charge in accordance with the scale of charges specified in Schedule 3.

(2) Charges may be paid by—

- (a) inserting into a pay and display machine a coin or combination of coins of appropriate denominations;
- (b) inserting into a pay and display machine a credit or debit card of a type indicated, and following the instructions displayed, on the machine;
- (c) the purchase of a pre-paid charge card for use in a pay and display machine; or
- (d) the use of pre-paid tickets.

Pre-paid tickets

18. In the case of pre-paid tickets the instructions given on the tickets in respect of making distinct perforations in the tickets or taking other appropriate action to clearly indicate the date and time of arrival shall be carried out by the driver as soon as he takes up position in the parking place.

Display of tickets

19.—(1) The driver shall attach the ticket or tickets issued by the pay and display machine or a pre-paid ticket or tickets duly perforated on the inside surface of the windscreen or a side window facing the kerb or place the ticket or tickets on the dashboard area immediately below the windscreen so that the particulars recorded on the front of the ticket or tickets are clearly visible to a person standing at the front or side of the vehicle.

(2) In the case of a motor cycle the ticket shall be placed in a conspicuous position in front of the driver's seat.

Particulars of ticket

20. Where a vehicle is left in a parking place and the particulars shown on the ticket or tickets indicate that the period in respect of which payment has been made has expired or has not yet commenced, for the purpose of **any appeal under Articles 13, 16 or 28 of the Traffic Management (Northern Ireland) Order 2005**, it shall be presumed, unless the contrary is proved, that the said particulars are accurate.

Restriction of waiting

21. Save as provided in Article 22, a person shall not cause or permit a vehicle to wait on the lengths of road specified in Schedule 4 at any time.

Exceptions to prohibition of waiting

22.—(1) Nothing in Article 21 shall render it unlawful to cause or permit a vehicle to wait on the carriageway of a length of road specified in Schedule 4 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 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 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 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.

Sealed with the Official Seal of the Department for Regional Development on

2014

(L.S.)

A senior officer of the Department for Regional Development

SCHEDULE 1

Article 1(2)

Permit Scheme – Rugby Road / College Park Avenue Area, Belfast

Introduction

1. This permit scheme has been prepared in exercise of the powers conferred by Articles 15, 16(2) and (3), and 21 of the Road Traffic Regulation (Northern Ireland) Order 1997.

Interpretation

2. In this schedule—

“authorised officer” means an officer of the Department authorised in writing by the Department;

“business” means a lawful business, trade or profession and includes a registered charity, a statutory undertaking, a public undertaking or an educational establishment;

“business resident” means a person carrying on a business at a non-domestic property listed in the Valuation and Lands Agency valuation list the postal address of which is in a road or part of a road forming part of a residents parking zone;

“business resident’s permit” means a permit in respect of a qualifying business resident issued under the provisions of paragraphs 7 and 8 of this Schedule;

“date of issue” means, for the purposes of this Schedule, the date on which the particulars of a permit are entered on the register;

“driver” in relation to a vehicle left in a parking place, means the person driving the vehicle at the time it was left in the parking place;

“hand-held device” means apparatus used by a traffic attendant which is programmed to interface with the register;

“health carers” means paid health and social care staff providing residential care or treatment and includes doctors, nurses, home helps, occupational therapists and care assistants;

“health carer’s permit” means a permit issued under the provisions of paragraph 7 of this Schedule;

“identification code” means a combination of letters and numerals identifying a residents parking zone by the Department;

“Neighbourhood Renewal Area” means an area defined as such by the Department for Social Development under its Neighbourhood Renewal Strategy;

“overseeing organisation” means a local Health and Personal Social Services Trust or an independent provider of health and social care services;

“owner” in relation to a vehicle, means the person by whom such vehicle is kept and used and includes, for the purposes of this Order, any person using the vehicle with the permission of the owner;

“permit” means either a business resident’s permit, a health carer’s permit, a replacement permit, a resident’s permit, a special permit or a visitor’s permit and is an authorisation given by the Department to a person permitting them to park a vehicle in a residents parking zone, a record of which is retained on the register, an indication of which shall appear on a hand-held device or on a printed permit issued by the Department for that vehicle;

“permit authority” means the Department or a person contracted by the Department to undertake its functions in relation to the issue, surrender and revocation of permits;

“permit holder” means the person to whom a permit has been issued under the provisions of paragraph 8 of this Schedule;

“printed permit” means a non-transferrable document including the particulars specified in paragraph 3(2) of this Schedule (form of permits) which may be issued by the permit authority and if so issued shall be displayed and used in accordance with the particulars stipulated thereon;

“qualifying premises” means a business or residence;

“residence” means a domestic property listed in the Valuation and Lands Agency valuation list and adjoining a road forming part of a residents parking zone;

“resident” means a person whose usual place of abode is at property the postal address of which is in a road or part of a road the postal address of which is in a road or part of a road forming part of a residents parking zone;

“resident’s permit” means a permit issued under the provisions of paragraphs 7 and 8 of this Schedule;

“service provider” means the permit authority or a person or company authorised and appointed by the permit authority to operate, administer and maintain the telephone parking system;

“special permit” means a permit issued under the provisions of paragraph 7 of this Schedule;

“telephone parking system” means a system to facilitate and monitor the use of permits on the register using the telephone or internet communication with the permit authority, in accordance with the instructions indicated on signs located at or in the vicinity of each parking place where the system is operational;

“the register” means the residents parking permit register which is the database maintained by the permit authority for the purposes of recording information for parking permits issued in accordance with this order; and

“visitor’s permit” means a permit issued under the provisions of paragraphs 7 and 8 of this Schedule.

Form of permits

3.—(1) The following information shall be retained on the register as an indication that a permit has been issued—

- (a) the name and address of the applicant;
- (b) the nature of the permit;
- (c) the name of any residents parking zone or, if applicable any parking place or parking space in which the permit is valid;
- (d) the identification code of any residents parking zone in which the permit is valid;
- (e) the permit number;
- (f) the registration number of the vehicle or, where appropriate, the name of the business in respect of which the permit has been issued;
- (g) date of issue;
- (h) the expiry date; and
- (i) in the case of a visitor’s permit, the date on which the permit is being used.

(2) Where a printed permit is issued by the permit authority —

- (a) it shall include the particulars listed in sub-paragraphs (b) to (i) of sub-paragraph (1).
- (b) it shall remain the property of the Department at all times.

Use of permits

4.—(1) A permit shall be used only in accordance with the permit scheme set out in this Schedule.

(2) Subject to sub-paragraph (1) a permit shall be used—

- (a) within the residents parking zone, parking place or parking space for which the permit is issued;
- (b) in the case of a permit showing a particular parking space, the vehicle is parked in that parking space;
- (c) where the date the vehicle is parked in the parking place is within the period for which the permit is issued; or
- (d) in the case of a visitor's permit—
 - (i) if the time and date the vehicle is parked in the parking place has been recorded on the register in respect of that permit; and
 - (ii) the vehicle for which the permit is used is a permitted vehicle as specified in Article 2 to this Order;
- (e) (i) in the case of an electronic permit, where the details of the vehicle are the same as those recorded on the register in respect of that permit; or
 - (ii) in the case of a printed permit—
 - (aa) where the details of the vehicle are the same as those recorded on the permit;
 - (bb) the time and date the vehicle is parked in the parking place has been recorded on the permit; and
 - (cc) the permit is displayed on a vehicle in accordance with paragraph 5(1).

(3) If at any time a vehicle is left in a parking place during the specified hours and an inspection is carried out by, or on behalf of, the permit authority and no indication that a permit has been issued in respect of that vehicle for that residents parking zone appears on a traffic attendant's hand-held device or, in the case of a printed permit, on the permit itself, it shall be presumed, unless the contrary is proved that a permit has not been issued in respect of that vehicle at the time of inspection.

(4) For the purpose of **any appeal under Articles 13, 16 or 28 of the Traffic Management (Northern Ireland) Order 2005**, it shall be presumed, unless the contrary is proved, that the particulars of a permit recorded on the register are accurate.

Display of printed permits

5.—(1) Where a printed permit issued by the permit authority is used—

- (a) in the case of a vehicle fitted with a dashboard or facia panel, the permit shall be placed thereon so that the details of the permit are legible from outside the vehicle; or
- (b) in the case of a vehicle not fitted with a dashboard or facia panel, the permit shall be placed in a conspicuous position on the vehicle so that it is legible from outside the vehicle; or
- (c) in the case of a motor cycle, the permit shall be placed in a conspicuous position in front of the rider's seat.

(2) Where an inspection is carried out by, or on behalf of, the permit authority and a printed permit, issued in respect of that vehicle, is not displayed in accordance with sub-paragraph (3) it shall be deemed that a permit has not been issued in respect of that vehicle at the time of inspection.

Eligibility for a permit

6.—(1) Subject to sub-paragraphs (2), (3), and (4) a person who is the owner of a permitted vehicle may apply to the permit authority for a permit to park a vehicle within the residents parking zone.

(2) Only a resident whose usual residence is a qualifying premises for the purposes of this Order may apply for a resident's permit.

(3) Only a business resident whose business is a qualifying premises for the purposes of this Order may apply to the permit authority for the issue of a business resident's permit.

(4) Only a resident or business resident may apply to the permit authority for the issue of a visitor's permit.

(5) An overseeing organisation may apply to the Department for the issue of a health carer's permit.

(6) A permit may be limited to—

- (a) the whole of a residents parking zone; or
- (b) one or more parking places within a residents parking zone; or
- (c) a particular parking space within a residents parking zone; or
- (d) a number of residents parking zones.

Application for a permit

7.—(1) An application for a resident's, business resident's, visitor's or special permit shall be made—

- (a) on a form issued by or obtainable from the permit authority; or
- (b) by contacting the permit authority by telephone or the internet.

(2) An application for a health carer's permit shall be made by an officer of the local overseeing organisation and shall include—

- (i) details of the vehicle registration for which a permit is required;
- (ii) details of the parking place or residents parking zone for which the permit is required;
- (iii) details of the duties likely to be associated with each vehicle;
- (iv) in the case of an application for permit for a number of specified residents parking zones, an explanation as to why such a permit is required.

(3) The permit authority may, at any time, require an applicant for a permit to produce to an authorised officer such evidence as it may reasonably require to verify any particulars or information provided in respect of the application or in respect of any previously issued permit issued by it to verify that the permit is valid and the holder of the permit remains entitled to the said permit.

(4) On receipt of an application duly made under the foregoing provisions of this sub-paragraph the permit authority, upon being satisfied that the applicant is eligible for a permit in accordance with paragraph 6, may —

- (i) create a permit on the register and notify the applicant accordingly; or
- (ii) issue printed visitor's permits to the applicant in accordance with paragraph 8(5); and
- (iii) issue to the applicant a copy of the terms and conditions applicable to the permit.

(5) The permit authority may refuse to issue a resident's permit, a business resident's permit or a visitor's permit—

- (i) where the applicant fails to produce to an authorised officer of the Department such evidence as it may reasonably require to verify any particulars or information provided in respect of the application.
- (ii) where the applicant has off-street parking available;
- (iii) where the Department is satisfied that the applicant has previously misused a parking permit contrary to the terms and conditions applicable to the residents parking zone for which it was issued.
- (iv) where the total number of such permits equals or exceeds the total number that may be issued as specified in paragraph 8(4) or (5) of this Schedule.

(6) Where the permit authority refuses to issue a permit it shall, as soon as reasonably practicable, give notice of such refusal in writing to the applicant.

Restricted number of permits

8.—(1) The permit authority shall not issue more than one resident's permit or business resident's permit for each qualifying premises in a residents parking zone unless the total number of resident's or business resident's permits issued in the residents parking zone is less than the figure specified in sub-paragraph (4).

(2) Where the total number of resident's or business resident's permits issued is less than the figure specified in sub-paragraph (4) the permit authority may issue further permits.

(3) The combined total number of residents' and business residents' permits issued by the permit authority for use in a residents parking zone shall not exceed the figure referred to in sub-paragraph (4).

(4) The figure referred to in sub-paragraphs (1), (2) and (3) is 1.2 multiplied by the number of available parking spaces within that zone and expressed to the lowest whole number.

(5) Irrespective of the number of residents or business residents residing or situated at qualifying premises the number of visitor's permits issued by the permit authority shall be not more than—

- (a) 25 days worth of visitors' permits in any 3 month period in respect of those premises of a resident or business resident who is less than 65 years of age or
- (b) 50 days worth of visitors' permits in any 3 month period in respect of those premises of a resident or business resident who is more than 65 years of age.

Duration of permits

9.—(1) A permit shall be valid—

- (i) in the case of a resident's permit, a business resident's permit or a health carer's permit for a period of 52 weeks from the date on which it is created on the register.
- (ii) in the case of a special permit for a period of 1 week.
- (iii) in the case of a visitor's permit, during the permitted hours on the day for which it is recorded on the register.

(2) Where a printed visitor's permit is issued by the permit authority it shall be valid during the permitted hours on the day which is recorded on the permit.

Cancellation of permits

10. A permit holder may cancel a permit at any time by notifying the permit authority.

Revocation and surrender of permits

11.—(1) The permit authority may revoke a permit where it is satisfied that the permit has not been used in accordance with the permit scheme set out in this Schedule.

(2) Where the permit authority revokes a permit it shall give notice of such revocation in writing to the registered holder of the permit as soon as reasonably practicable and revocation shall take effect from the date of the notice of notification.

(3) Without prejudice to sub-paragraph (2) a permit shall cease to be valid where the circumstances specified in sub-paragraph (4) apply.

(4) The circumstances specified in sub-paragraph (3) are that—

- (a) the permit holder ceases to be a resident;
- (b) the permit holder ceases to be the owner of the vehicle or vehicles in respect of which the permit was issued;
- (c) the permit holder ceases to operate a business in respect of which a business resident's permit was issued;

- (d) the business in respect of which a business permit was issued is not situated at a non-domestic property listed in the Valuation and Lands Agency valuation list the postal address of which is in a road or part of a road forming part of a residents parking zone;
- (e) the vehicle in respect of which a permit was issued is adapted or used in such a manner that it is no longer a permitted vehicle; or
- (f) the permit authority has issued a replacement permit.

(5) A permit holder must immediately notify the permit authority where any of the circumstances in sub-paragraph (4)(a) to (e) applies.

(6) In the case of a printed permit, the permit holder shall surrender the permit to the permit authority within 7 calendar days if either sub-paragraph (2) or (4) applies.

Replacement permits

12.—(1) If a printed permit becomes mutilated, defaced or the figures or particulars on it have become illegible or the colour of the permit has become altered by fading or otherwise, the permit holder shall surrender it to the Department and may apply to the permit authority for the issue of a replacement permit.

(2) If a printed permit is lost, stolen or destroyed, the permit holder may apply to the permit authority for the issue of a replacement permit.

(3) The provisions of this Order shall apply to a replacement permit and, in the application for a replacement permit to replace a stolen permit, the application must be accompanied by a police crime reference number.

13. The permit authority may refuse to issue a replacement permit where the applicant fails to produce to an authorised officer of the Department such evidence as it may reasonably require to verify any particulars or information provided in respect of the application.

Charges for permits

14.—(1) Any charge for a permit shall be payable on an annual basis commencing on the date of issue and every year thereafter at the annual renewal date.

(2) The charge for a permit shall be as follows—

- (i) £30.00 for a resident's permit.
- (ii) £12.50 for each 25 visitors' permits (or 50 visitors' permits in the case of a resident who is over 65 years of age).
- (iii) £30.00 for a business resident's permit.
- (iv) £0.00 for a carer's permit.
- (v) £50.00 per week for a special permit for builder's vehicles or skips (applicable to each space used).

(3) The following discounts will apply in respect of a resident's permit, visitor's permit or a business resident's permit—

- (i) 100% for an applicant who is a blue badge holder and who meets the conditions for the issue of permit described in paragraph 6;
- (ii) 100% for an applicant who meets the conditions for the issue of permit described in paragraph 6 in respect of a residents parking zone that is within a Neighbourhood Renewal Area.

(4) Telephone charges incurred in the course of making any permit transaction shall be the responsibility of the applicant.

Signing

15.—(1) For the purposes of indicating to members of the public the presence of a residents parking zone and the operation of a telephone parking system in the area the Department shall:—

- (a) cause the limits of each parking place to be indicated by placing and maintaining traffic signs of a size, colour and type prescribed under the Traffic Signs Regulations (Northern Ireland) 1997^(a) or authorised under Article 28(2) of the Road Traffic Regulation (Northern Ireland) Order 1997; and
- (b) place and maintain in the vicinity of each parking place traffic signs of a size, colour and type prescribed under the Traffic Signs Regulations (Northern Ireland) 1997 or authorised under Article 28(2) of the Road Traffic Regulation (Northern Ireland) Order 1997.

(2) Signs so placed in accordance with sub-paragraph (1) may include signs providing instructions to members of the public to enable them to contact the permit authority by telephone or via the internet.

^(a) S.R. 1997 No. 386

SCHEDULE 2

Article 3

RESIDENTS PARKING ZONE IN THE RUGBY ROAD / COLLEGE PARK AVENUE AREA, BELFAST

PART 1

CHARGED PARKING PLACES AND PERMIT PARKING

| <i>Item No.</i> | <i>Roads or lengths of roads within a controlled parking zone designated as parking places</i> |
|-----------------|--|
| 1. | Botanic Court (north side) from its junction with Rugby Road for a distance of 29.7 metres. |
| 2. | Botanic Court (south side) from its junction with Rugby Court for a distance of 31.1 metres. |
| 3. | Carmel Street (both sides) from its junction with Fitzroy Avenue to its junction with College Park Avenue. |
| 4. | College Green (both sides). |
| 5. | Rugby Road (both sides) from its junction with University Street to its junction with University Avenue. |
| 6. | University Avenue (both sides) from its junction with Botanic Avenue to its junction with Carmel Street. |

PART 2

PERMIT PARKING ONLY

| <i>Item No.</i> | <i>Roads or lengths of roads within a controlled parking zone designated as parking places</i> |
|-----------------|--|
| 1. | Botanic Court (north side) from a point 29.7 metres west of its junction with Rugby Road for a distance of 43 metres in a westerly direction. |
| 2. | Botanic Court (south side) from a point 31.1 metres west of its junction with Rugby Court for a distance of 58.1 metres in a westerly direction. |
| 3. | College Park (north side) from its junction with Rugby Road for a distance of 28.7 metres in a westerly direction. |
| 4. | College Park (south side) from its junction with Rugby Road for a distance of 28.8 metres in a westerly direction. |
| 5. | College Park Avenue (both sides). |
| 6. | Rugby Parade (both sides). |
| 7. | Rugby Road (both sides) from its junction with University Avenue to its junction with Agincourt Avenue. |
| 8. | Rugby Street (both sides). |

SCHEDULE 3

Article X

SCALE OF CHARGES

TARIFF — Applying to items 1 to 6 in Part 1 of Schedule 2

| | |
|------------------|-------|
| Up to 15 minutes | 15p |
| Up to 30 minutes | 30p |
| Up to 45 minutes | 75p |
| Up to 1 hour | £1.20 |
| Up to 1¼ hours | £1.50 |
| Up to 1½ hours | £1.80 |
| Up to 1¾ hours | £2.10 |
| Up to 2 hours | £2.40 |

SCHEDULE 4

Article 21

No Waiting at any time (Loading and Unloading permitted)

1. Botanic Court (north side) from a point 22 metres west of its junction with Rugby Road for a distance of 7.7 metres in a westerly direction.
2. Botanic Court (north side) from a point 68.2 metres west of its junction with Rugby Road for a distance of 4.5 metres in a westerly direction.
3. Botanic Court (south side) from a point 15 metres west of its junction with Rugby Court for a distance of 6.1 metres in a westerly direction.
4. Botanic Court (south side) from a point 26.6 metres west of its junction with Rugby Court for a distance of 4.5 metres in a westerly direction.
5. Botanic Court (south side) from a point 47.6 metres west of its junction with Rugby Court for a distance of 2 metres in a westerly direction.
6. Carmel Street (east side) from a point 24.6 metres south of its junction with Fitzroy Avenue for a distance of 7.1 metres in a southerly direction.
7. Carmel Street (east side) from a point 29.4 metres south its junction with University Avenue for a distance of 9.7 metres in a southerly direction.
8. Carmel Street (west side) from a point 20.5 metres south of its junction with Fitzroy Avenue for a distance of 9.3 metres in a southerly direction.
9. Carmel Street (west side) from a point 35.3 metres south of its junction with Fitzroy Avenue for a distance of 9.1 metres in a southerly direction.
10. Carmel Street (west side) from a point 30.9 metres south its junction with University Avenue for a distance of 10.7 metres in a southerly direction.
11. College Green (north side) from a point 34.2 metres west of its junction with Rugby Road for a distance of 1.9 metres in a westerly direction.
12. College Green (north side) from a point 91.1 metres west of its junction with Rugby Road for a distance of 4 metres in a westerly direction.
13. College Green (south side) from a point 52 metres west of its junction with Rugby Road for a distance of 5.8 metres in a westerly direction.
14. College Green (south side) from a point 107.3 metres west of its junction with Rugby Road for a distance of 1.6 metres in a westerly direction.
15. College Park (north side) from a point 15 metres west of its junction with Rugby Road for a distance of 13.7 metres in a westerly direction.
16. College Park (south side) from a point 15 metres west of its junction with Rugby Road for a distance of 13.8 metres in a westerly direction.
17. College Park Avenue (north side) from a point 23.5 metres east of its junction with Rugby Road for a distance of 3 metres in a north-easterly direction.
18. College Park Avenue (north side) from a point 37.5 metres east of its junction with Rugby Road for a distance of 3.3 metres in a north-easterly direction.
19. College Park Avenue (north side) from a point 79.3 metres east of its junction with Rugby Road for a distance of 4 metres in a north-easterly direction.
20. College Park Avenue (north side) from a point 105.3 metres east of its junction with Rugby Road for a distance of 14.8 metres in a north-easterly direction.
21. College Park Avenue (south side) from a point 31.5 metres east of its junction with Rugby Road for a distance of 11.5 metres in a north-easterly direction.
22. College Park Avenue (south side) from a point 54 metres east of its junction with Rugby Road for a distance of 6.2 metres in a north-easterly direction.
23. College Park Avenue (south side) from a point 71.2 metres east of its junction with Rugby Road for a distance of 6.3 metres in a north-easterly direction.
24. College Park Avenue (south side) from a point 88.5 metres east of its junction with Rugby Road for a distance of 11.3 metres in a north-easterly direction.

25. College Park Avenue (south side) from a point 110.8 metres east of its junction with Rugby Road for a distance of 9.7 metres in a north-easterly direction.
26. Fitzroy Avenue (north side) from a point 15 metres east of its junction with Rugby Road for a distance of 0.7 metres in an easterly direction.
27. Rugby Parade (north side) from a point 24.3 metres east of its junction with Rugby Road for a distance of 13.9 metres in a north-easterly direction.
28. Rugby Parade (north side) from a point 49.2 metres east of its junction with Rugby Road for a distance of 8.8 metres in a north-easterly direction.
29. Rugby Parade (south side) from a point 24.4 metres east of its junction with Rugby Road for a distance of 4.8 metres in a north-easterly direction.
30. Rugby Parade (south side) from a point 62.2 metres east of its junction with Rugby Road for a distance of 6.7 metres in a north-easterly direction.
31. Rugby Road (east side) from a point 18 metres south of its junction with Magdala Street for a distance of 3.5 metres in a southerly direction.
32. Rugby Road (east side) from a point 22.8 metres south of its junction with Fitzroy Avenue for a distance of 1.6 metres in a southerly direction.
33. Rugby Road (east side) from a point 40.4 metres south of its junction with Fitzroy Avenue for a distance of 1.6 metres in a southerly direction.
34. Rugby Road (east side) from a point 47.5 metres south of its junction with Fitzroy Avenue for a distance of 0.4 metres in a southerly direction.
35. Rugby Road (east side) from a point 15 metres south of its junction with University Avenue for a distance of 3.5 metres in a southerly direction.
36. Rugby Road (east side) from a point 57 metres south of its junction with University Avenue for a distance of 1.3 metres in a southerly direction.
37. Rugby Road (east side) from a point 20 metres south of its junction with College Park Avenue for a distance of 6 metres in a south-easterly direction.
38. Rugby Road (east side) from a point 42.5 metres south of its junction with College Park Avenue for a distance of 9.5 metres in a south-easterly direction.
39. Rugby Road (east side) from a point 57.5 metres south of its junction with College Park Avenue for a distance of 8.4 metres in a south-easterly direction.
40. Rugby Road (east side) from a point 76.9 metres south of its junction with College Park Avenue for a distance of 1.5 metres in a south-easterly direction.
41. Rugby Road (east side) from a point 15 metres south of its junction with Rugby Parade Avenue for a distance of 1 metre in a south-easterly direction.
42. Rugby Road (west side) from a point 20.4 metres south its junction with University Street for a distance of 5.5 metres in a southerly direction.
43. Rugby Road (west side) from a point 47.9 metres south its junction with University Street for a distance of 14.5 metres in a southerly direction.
44. Rugby Road (west side) from a point 73.4 metres south its junction with University Street for a distance of 0.3 metres in a southerly direction.
45. Rugby Road (west side) from a point 28.9 metres south its junction with College Green for a distance of 8.2 metres in a southerly direction.
46. Rugby Road (west side) from a point 48.1 metres south its junction with College Green for a distance of 1.5 metres in a southerly direction.
47. Rugby Road (west side) from a point 15 metres north of its junction with Botanic Court for a distance of 2.8 metres in a northerly direction.
48. Rugby Road (west side) from a point 204.8 metres north its junction with Botanic Court for a distance of 1 metre in a northerly-westerly direction.
49. Rugby Street (north side) from a point 15 metres east of its junction with Rugby Road for a distance of 1.2 metres in a north-easterly direction.
50. Rugby Street (north side) from a point 54.7 metres east of its junction with Rugby Road for a distance of 5.1 metres in a north-easterly direction.
51. Rugby Street (south side) from a point 15 metres east of its junction with Rugby Road for a distance of 0.5 metres in a north-easterly direction.

52. Rugby Street (south side) from a point 21 metres east of its junction with Rugby Road for a distance of 6.5 metres in a north-easterly direction.
53. Rugby Street (south side) from a point 32.5 metres east of its junction with Rugby Road for a distance of 4.5 metres in a north-easterly direction.
54. Rugby Street (south side) from a point 53.5 metres east of its junction with Rugby Road for a distance of 5.2 metres in a north-easterly direction.
55. University Avenue (north side) from a point 15 metres west of its junction with Rugby Road for a distance of 2.5 metres in a westerly direction.
56. University Avenue (north side) from a point 34 metres west of its junction with Rugby Road for a distance of 2.6 metres in a westerly direction.
57. University Avenue (north side) from a point 80.6 metres west of its junction with Rugby Road for a distance of 7.5 metres in a westerly direction.
58. University Avenue (north side) from a point 92.3 metres west of its junction with Rugby Road for a distance of 2.8 metres in a westerly direction.
59. University Avenue (north side) from a point 111.6 metres west of its junction with Rugby Road for a distance of 5 metres in a westerly direction.
60. University Avenue (north side) from a point 25.720.5 metres east of its junction with Rugby Road for a distance of 7.6 metres in an easterly direction.
61. University Avenue (north side) from a point 38.8 9 metres east of its junction with Rugby Road for a distance of 9.27.5 metres in an easterly direction.
62. University Avenue (north side) from a point 70 68.4 metres east of its junction with Rugby Road for a distance of 2.21.0 metres in an easterly direction.
63. University Avenue (north side) from a point 83.881 metres east of its junction with Rugby Road for a distance of 2.5 metres in an easterly direction.
64. University Avenue (north side) from a point 91.889 metres east of its junction with Rugby Road for a distance of 4 metres in an easterly direction.
65. University Avenue (south side) from a point 24.6 metres west of its junction with Rugby Road for a distance of 11.5 metres in a westerly direction.
66. University Avenue (south side) from a point 58.1 metres west of its junction with Rugby Road for a distance of 16.6 metres in a westerly direction.
67. University Avenue (south side) from a point 91.2 metres west of its junction with Rugby Road for a distance of 2.5 metres in a westerly direction.
68. University Avenue (south side) from a point 15 metres east of its junction with Rugby Road for a distance of 0.8 metres in an easterly direction.
69. University Avenue (south side) from a point 21.3 metres east of its junction with Rugby Road for a distance of 15.314.6 metres in an easterly direction.
69. University Avenue (south side) from a point 52 47.9 metres east of its junction with Rugby Road for a distance of 21.2 metres in an easterly direction.
70. University Avenue (south side) from a point 70.971.1 metres east of its junction with Rugby Road for a distance of 10.8 metres in an easterly direction.
71. University Avenue (south side) from a point 92.7 9 metres east of its junction with Rugby Road for a distance of 3.1 metres in an easterly direction.

EXPLANATORY NOTE

(This note is not part of the Order)

The Order provides for the issue of permits in accordance with the residents parking scheme specified in Schedule 1.

This Order designates as a controlled parking zone the lengths of road specified in Schedule 2.

The principal provisions of the Order—

- (a) designate parking places within the controlled parking zone where charges may be made within specified hours.
- (b) designate parking places within the controlled parking zone where permit parking applies within specified hours.
- (c) prescribe the conditions under which designated parking places may be used.
- (d) prescribe the charges to be paid for use of designated parking places and the methods of payment.
- (e) prescribe the charges to be paid for permits.
- (f) authorise the removal of vehicles which have been left in the parking place in contravention of certain provisions in the Order.
- (g) specify the circumstances in which the use of a parking place may be suspended.

The order further provides that map No. RPE02 - Rugby Road / College Park Avenue Area, Belfast shall have effect as if it were part of the Order (Article 2(2)).

This Order also prohibits vehicles from waiting on the lengths of road specified in Schedule 4 (Article 21). Vehicles are excepted from the prohibition in certain circumstances (Article 22).

Any person who acts in contravention of Article 13 of the Order shall be guilty of an offence under the Road Traffic Regulation (Northern Ireland) Order 1997 (“the Regulation Order”) and shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale (£500), in accordance with the Road Traffic Offenders (Northern Ireland) Order 1996 as amended by the Regulation Order.

A penalty charge (£90) is payable with respect to a vehicle involved in a contravention of any other provision 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.

PARKING PLACES ORDER – INCLUDING RESIDENTS PARKING

The Department for Regional Development proposes to make an Order entitled The On-Street Parking (Residents Parking Zone – Rugby Road / College Park Avenue Area, Belfast) Order (Northern Ireland) 2014.

The Order will apply a residents parking scheme to the Rugby Road / College Park Avenue Area, Belfast. The Order will designate parking places restricted to residents only and parking places that are available to the general public on a pay & display basis as well as to residents. The Order will also apply no waiting at any time restrictions to lengths of road within the area and amend existing parking and waiting restrictions to facilitate the implementation of the zone.

The Streets comprising the zone are as follows:

Botanic Court, Carmel Street, College Green, College Park (from its junction with Rugby Road for a distance of 28.7 metres in a westerly direction), College Park Avenue, Fitzroy Avenue (north side) (from a point 15 metres east of its junction with Rugby Road for a distance of 0.7 metres in an easterly direction), Rugby Parade, Rugby Road (from its junction with University Street to its junction with Agincourt Avenue), Rugby Street, University Avenue (from its junction with Botanic Avenue to its junction with Carmel Street)

Full details of the scheme including the hours of operation, parking places and the charges to be paid are contained in the draft Order which, together with a map showing the roads involved, may be inspected free of charge during office hours within the period below at the following locations:

- Amey offices, Rushmere House, 46 Cadogan Park, Belfast,
- City Church 12-24 University Avenue, Belfast.

or viewed online at <http://Belfastresidentsparking.wordpress.com/>

Objections or other representations may be made to the Department c/o Amey, Rushmere House, 46 Cadogan Park, Belfast, BT9 6HH within a period of 22 days from the date of publication of this notice.

All objections or other representations must be in writing and must specify the grounds on which they are made. Information you provide, including personal information, could be published or disclosed under the Freedom of Information Act 2000 (FOIA) or the Environmental Information Regulations 2004 (EIR). For further details on confidentiality, the FOIA and the EIR please refer to www.ico.org.uk