1981 No. 79

ROAD TRAFFIC AND VEHICLES

Urban Clearways (Carrickfergus) Order (Northern Ireland) 1981

Made . . . . . *12th March 1981*

Coming into operation . . . *27th April 1981*

The Department of the Environment in exercise of the powers conferred on it by section 19(1) of the Road Traffic Act (Northern Ireland) 1970(**a**) and of all other powers enabling it in that behalf hereby makes the following order:—

Citation, commencement and interpretation

1.—(1) This order may be cited as the Urban Clearways (Carrickfergus) Order (Northern Ireland) 1981 and shall come into operation on 27th April 1981.

(2) In this order:—

"carriageway" means a way constituted or comprised in a road being a way over which the public have a right of way for the passage of vehicles;

"hard shoulder" means a surfaced strip alongside the carriageway;

"lay-by" means a surfaced area adjacent to the carriageway intended for the waiting of vehicles;

"prescribed hours" means the time between 8 a.m. and 9.30 a.m. and between 4.30 p.m. and 6.30 p.m. on any day except Saturday and Sunday;

"specified road" means the carriageway of any road or length of road specified in the schedule;

"statutory undertakers" means persons authorised by a statutory provision to carry on a railway, canal, inland navigation, dock, harbour, gas, electricity or other public undertaking and includes the Post Office.

Control of waiting

2. Save as provided in article 3 no person shall cause or permit a vehicle to wait wholly or partly during the prescribed hours in a specified road.

Exemptions

3.—(1) Nothing in article 2 shall render it unlawful to cause or permit a vehicle to wait in a specified road for so long as may be necessary:—

(*a*) for a person to board or alight from the vehicle provided that such boarding or alighting does not cause the vehicle to wait in the same place for more than 2 minutes;

(*b*) for the collection or delivery of postal packets as defined in section 87 of the Post Office Act 1953(**b**);

(*c*) for the opening or closing of a gate or other barrier at the entrance to premises to which the vehicle requires access or from which it has emerged if it is not reasonably practicable for the vehicle to wait otherwise than in a specified road while such gate or barrier is opened or closed;

(**a**) 1970 c. 2 (N.I.) as substituted by S.I. 1978/1051 (N.I. 21)
(**b**) 1953 c. 36

(*d*) to enable the vehicle, if it cannot conveniently be used for such purpose in any road not being a specified road, to be used in connection with:—

(i) any building, repair or demolition operations;

(ii) the removal of any obstruction to traffic; or

(iii) the maintenance, improvement or reconstruction of a specified road.

(2) For the purpose of paragraph (1)(*a*) a vehicle shall be deemed to wait for more than 2 minutes in the same place if any one part of the road 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.

(3) The provisions of article 2 shall not apply to a vehicle:—

(*a*) being used in an emergency for fire brigade, ambulance or police purposes;

(*b*) if it cannot conveniently be used for such purpose in any other road, to be used in the service of a statutory undertaker or a government department in pursuance of statutory powers or duties;

(*c*) waiting in a lay-by;

(*d*) the driver of which is acting upon the direction or with the permission of a constable in uniform or of a traffic warden; or

(*e*) where the person in control of it:—

(i) is required by law to stop;

(ii) is obliged to stop in order to prevent an accident; or

(iii) is prevented from proceeding by circumstances outside his control.

4. The restrictions imposed by this order shall be in addition to and not in derogation of any restriction or requirement imposed by the Road Traffic Act (Northern Ireland) 1970 or by a statutory provision made thereunder.

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 12th March 1981.

(L.S.) *W. P. McIlmoyle*
Assistant Secretary

SCHEDULE

1. Belfast Road, Carrickfergus, both sides.
2. Green Street, Carrickfergus, both sides.
3. Larne Road, Carrickfergus, both sides to a point approximately 240 metres north-east of the junction with Trailcock Road.
4. Marine Highway, Carrickfergus, North-west or Inland Side.
5. Marine Highway, Carrickfergus, South-east or Shore Side from Belfast Road to Joymount.
6. Shore Road, Greenisland, both sides.

EXPLANATORY NOTE

(This note is not part of the Order.)

This order prohibits the waiting by vehicles on the carriageways of roads and lengths of road in the Carrickfergus area (commonly referred to as "clearways") during the morning and evening peak traffic periods.

Any person who acts in contravention of the order shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £100.

Traffic signs indicating the effect of the order will, in due course, be erected on the roads.