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## STATUTORY INSTRUMENTS

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# 1997 No. 276

## The Road Traffic Regulation (Northern Ireland) Order 1997

### PART IV

#### PARKING PLACES

##### **Parking places: introductory**

[<sup>F1</sup>19A In this Part “the parking authority” means—

- (a) in relation to off-street parking places operated as “park and ride” or “park and share” parking places, the Department;
- (b) in relation to any other off-street parking places, the district council for the district in which the parking places are situated;
- (c) in relation to parking places on roads, the Department.]

**F1** Art. 9A inserted (1.4.2015) by [Off-street Parking \(Functions of District Councils\) Act \(Northern Ireland\) 2015 \(c. 3\), art. 1\(8\), Sch. para. 1](#)

##### **Power of [<sup>F2</sup>parking authority] to provide parking places**

**10.**—(1) Where it appears to the [<sup>F2</sup>parking authority] to be necessary to do so, the [<sup>F2</sup>parking authority] may provide suitable parking places for vehicles in accordance with the provisions of this Article and Article 11.

(2) The [<sup>F2</sup>parking authority] may utilise any land which may be appropriated for the provision of parking places.

[<sup>F3</sup>(2A) A district council may acquire by agreement or compulsorily any land required for the purposes of providing parking places under this Article.]

(3) The [<sup>F2</sup>parking authority] may take all such steps as may be necessary to adapt for use as a parking place any land, not being part of a road, which the [<sup>F2</sup>parking authority] may utilise under paragraph (2) or acquire [<sup>F4</sup>under paragraph (2A) (in the case of a district council) or (in the case of the Department)] under Article 110(2)(b)(iii) of the Roads (Northern Ireland) Order 1993.

(4) The Department may, subject to paragraphs (5) and (6), by order authorise the use as a parking place of any part of a road.

(5) An order under paragraph (4) shall not authorise the use of any part of a road—

- (a) so as unreasonably to prevent—
  - (i) access to any premises adjoining the road; or
  - (ii) the use of the road by any person entitled to its use; or
- (b) so as to be a nuisance.

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(6) An order under paragraph (4) shall not be made in respect of any part of a road not maintainable by the Department without the consent of the person responsible for the maintenance of the road.

[<sup>F5</sup>(6A) An order under paragraph (4) may—

(a) specify any road by reference to a map prepared under Article 36 of the Traffic Management (Northern Ireland) Order 2005 which is not part of the order; and

(b) provide that the order shall have effect as if the map were part of the order.]

(7) Schedule 4 (which makes further provision relating to orders under this Article and Articles 13 and 15) shall have effect.

(8) For the purposes of this Part an underground parking place shall not be deemed to be part of a road by reason only of its being situated under a road.

(9) The powers of the [<sup>F2</sup>parking authority ] to provide parking places under this Part include power to provide, on roads [<sup>F6</sup>(in the case of the Department)] or elsewhere, cycle stands or racks.

**F2** Words in art. 10(1)-(3) (9) substituted (1.4.2015) by [Off-street Parking \(Functions of District Councils\) Act \(Northern Ireland\) 2015 \(c. 3\), art. 1\(8\), Sch. para. 2\(1\)](#)

**F3** Art. 10(2A) inserted (1.4.2015) by [Off-street Parking \(Functions of District Councils\) Act \(Northern Ireland\) 2015 \(c. 3\), art. 1\(8\), Sch. para. 3\(2\)](#)

**F4** Words in art. 10(3) inserted (1.4.2015) by [Off-street Parking \(Functions of District Councils\) Act \(Northern Ireland\) 2015 \(c. 3\), art. 1\(8\), Sch. para. 3\(3\)](#)

**F5** 2005 NI 14

**F6** Words in art. 10(9) inserted (1.4.2015) by [Off-street Parking \(Functions of District Councils\) Act \(Northern Ireland\) 2015 \(c. 3\), art. 1\(8\), Sch. para. 3\(4\)](#)

#### **Modifications etc. (not altering text)**

**C1** Arts. 10-14: transfer of functions (1.4.2015) by [Off-street Parking \(Functions of District Councils\) Act \(Northern Ireland\) 2015 \(c. 3\), art. 1\(1\)\(8\)](#) (with art. 1(2))

### **Additional powers in respect of off-street parking places**

**11.**—(1) The powers of the [<sup>F7</sup>parking authority] under Article 10 to provide off-street parking places for vehicles shall include power—

(a) provide such parking places below ground or in buildings, including buildings used also for other purposes, together with means of access to them;

(b) to provide at such parking places buildings, facilities and apparatus for the storage and sale of fuel and lubricants and the supply of air and water for vehicles;

(c) to provide toilets, rest rooms or other conveniences for use in connection with such parking places;

(d) to erect or adapt, and to maintain, equip and manage buildings accordingly.

(2) Where the [<sup>F7</sup>parking authority] provides a parking place in a building, it may—

(a) let on such terms as it thinks fit parts of the building which are not used for the purposes of the parking place; and

(b) provide services for the benefit of persons occupying or using those parts; and

(c) make such reasonable charges for those services as it thinks fit.

(3) The [<sup>F7</sup>parking authority] may enter into arrangements with any person under which, in consideration of the payment by him to the [<sup>F7</sup>parking authority] of a lump sum, or series of lump

sums, he is authorised to collect and retain the charges made in respect of the parking of vehicles in an off-street parking place provided by the [F7 parking authority].

(4) The [F7 parking authority] may let for use as a parking place any off-street parking place provided by it and, where the parking place is provided in a building, let it for such use separately from the rest of the building or let the whole or any part of the building with the parking place.

(5) The [F7 parking authority] may—

- (a) let on such terms as it thinks fit land on which it has power under Article 10 and this Article to erect or adapt a building for the purpose of providing a parking place, with a view to some other person erecting or adapting a building on such land and providing, maintaining and operating a parking place in that building or in that part of that building;
- (b) arrange with any person for him to provide a parking place on any land of which he is the owner or in which he has an interest.

(6) The [F7 parking authority] may let or hire out on such terms as it thinks fit such buildings, facilities or apparatus as are mentioned in paragraph (1)(b).

(7) The [F7 parking authority] may erect barriers at any off-street parking place for the purpose of preventing or restricting the access of unauthorised vehicles to that parking place.

**F7** Words in art. 11 substituted (1.4.2015) by [Off-street Parking \(Functions of District Councils\) Act \(Northern Ireland\) 2015 \(c. 3\), art. 1\(8\), Sch. para. 2\(1\)](#)

**Modifications etc. (not altering text)**

**C1** Arts. 10-14: transfer of functions (1.4.2015) by [Off-street Parking \(Functions of District Councils\) Act \(Northern Ireland\) 2015 \(c. 3\), art. 1\(1\)\(8\)](#) (with art. 1(2))

**Provision of access to premises through off-street parking places**

**12.**—(1) Where it appears to the [F8 parking authority] that an off-street parking place may be used to provide a means of access from a road to any premises, the [F8 parking authority] may adapt for use as, or for providing, such a means of access—

- (a) the off-street parking place;
- (b) any land to which Article 10(3) applies;
- (c) any road, with the consent of the person responsible for the maintenance of the road if it is not a public road.

(2) The [F8 parking authority] may—

- (a) enter into an agreement with the occupier of the premises with respect to the use of the means of access and for the making by him of contributions towards the expenses incurred by the [F8 parking authority] in providing the means of access;
- (b) grant, for such consideration and on such terms and conditions as may be agreed, to the occupier of the premises, or any other person having an interest in them, a right of way over any part of the parking place as is to be used as the means of access, and such other rights (if any) incidental to, or connected with, the use of the means of access as the [F8 parking authority] thinks it necessary or expedient to grant.

(3) Subject to the provisions of any agreement made under sub-paragraph (a) of paragraph (2) and to any rights granted under sub-paragraph (b) of that paragraph, the [F8 parking authority] may by order under Article 13 make provision as to the use of any parking place as a means of access and in particular as to—

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- (a) the persons who or vehicles which may use the means of access; and
- (b) the conditions on which the means of access may be used.

(4) Subject to the provisions of any agreement made under sub-paragraph (a) of paragraph (2) and to any rights granted under sub-paragraph (b) of that paragraph, the [<sup>F8</sup>parking authority] may stop up any means of access provided under this Article.

(5) In this Article references to a parking place include references to the means of access to the parking place and references to the use of a means of access include references to such use by pedestrians.

<p><b>F8</b> Words in art. 12 substituted (1.4.2015) by <a href="#">Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), art. 1(8), Sch. para. 2(1)</a></p> <hr/> <p><b>Modifications etc. (not altering text)</b></p> <p><b>C1</b> Arts. 10-14: transfer of functions (1.4.2015) by <a href="#">Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), art. 1(1)(8)</a> (with art. 1(2))</p>
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**Provisions as to use of parking places**

13.—(1) The [<sup>F9</sup>parking authority] may by order make provision as to—

- (a) the use of any parking place provided under Article 10 or 11, and in particular the persons who, or vehicles which, may be entitled to use it; and
- (b) the conditions on which it may be used.

(2) An order under paragraph (1) may make provision as to the charges to be paid in connection with the use of an off-street parking place, including provision requiring those charges, or any part of them, to be paid by means of the hire or purchase in advance, or the use, of parking devices in accordance with the order.

<sup>F10</sup>(3) .....

<sup>F10</sup>(4) .....

(5) An order under paragraph (1) may make provision as to—

- (a) the issue, display and operation of a specified apparatus or device for indicating the time at which a vehicle arrived at, and the time at which it ought to leave, a parking place, or one or other of those times;
- (b) the use of a specified apparatus or device for indicating the charges paid or payable in respect of a vehicle left in an off-street parking place or for collecting any such charges.

(6) An order under paragraph (1) may make provision—

- (a) for regulating the issue, use and surrender of parking devices;
- (b) for requiring vehicles to display parking devices when left in any parking place in respect of which the parking devices may be used;
- (c) without prejudice to the generality of sub-paragraph (b), for regulating the manner in which parking devices are to be displayed or operated;
- (d) for regulating the use, and the manner of use, of any specified apparatus designed to be used in connection with parking devices;
- (e) for treating—
  - (i) the indications given by a parking device, or

(ii) the display or failure to display a parking device on or in any vehicle left in a parking place,

as evidence of such facts and for such purposes as may be provided by the order;

(f) for the refund, in such circumstances and in such manner as may be specified in the order, of the whole or part of the amount of any charge paid in advance in respect of a parking device;

(g) for the payment of a deposit in respect of the issue of a parking device and for the repayment of the whole or any part of such a deposit.

(7) In this Article and in Article 14 “parking device” means either a card, disc, token, meter, permit, stamp or other similar device, whether used in a vehicle or not, which, being used either by itself, or in conjunction with any such apparatus as is referred to in paragraph (6)(d)—

(a) indicates, or causes to be indicated, the payment of a charge, and—

(i) the period in respect of which it has been paid and the time of the beginning or end of the period, or

(ii) whether or not the period for which it has been paid or any further period has elapsed, or

(iii) the period for which the vehicle in relation to which the parking device is used is permitted to park in the parking place, and the time of the beginning or end of the period, or

(iv) whether or not the period for which the vehicle in relation to which the parking device is used is permitted to park in the parking place or any further period has elapsed; or

(b) operates apparatus controlling the entry of vehicles to or their exit from the parking place, or enables that apparatus to be operated;

or any other device of such description as may be prescribed for the purposes of this Article and Article 14.

(8) Regulations under paragraph (7) which revoke or amend previous regulations under that paragraph may make such saving and transitional provision as appears to the Department to be necessary or expedient.

(9) An order under paragraph (1) may restrict the use (either at all times or at times specified in the order) of a specified parking place authorised under Article 10(4)—

(a) only to such persons or vehicles as may be authorised for the purpose by a permit issued by the [F<sup>9</sup> parking authority] under paragraph (10); or

(b) both to such persons or vehicles and, subject to specified conditions as to duration of parking or times at which parking is authorised, to such other persons or vehicles as may be specified in the order.

(10) The [F<sup>9</sup> parking authority] may issue permits for the purposes of paragraph (9) and, in the case of any particular parking place and any particular vehicle or class of vehicle, issue a permit for that vehicle or class of vehicle to be left in the parking place while the permit remains in force, either at all times or at times specified in the permit.

(11) The [F<sup>9</sup> parking authority] may make such charge in connection with the issue of permits under paragraph (10), of such amount and payable in such manner, as the [F<sup>9</sup> parking authority] may determine.

(12) An order under paragraph (1) may make provision—

(a) for regulating the issue, revocation and surrender of any permit such as is mentioned in paragraph (10) and the issue, use and surrender of tokens indicating the holding of such a permit, or the payment of any charge in connection with the issue of the permit;

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- (b) for requiring a vehicle to which such a permit applies to display the permit or such a token when left in a parking place to which the permit applies, and for treating the display of or failure to display the permit or such a token on any vehicle left at a parking place as evidence of such facts and for such purposes as may be provided by the order;
- (c) for the refund, in such circumstances and in such manner as may be provided by the order, of the amount of any charge paid in advance by virtue of paragraph (11).
- (13) An order under paragraph (1) may make provision as to—
- the removal of any vehicle left in a parking place in contravention of such an order;
  - the removal in an emergency of any vehicle left in a parking place;
  - prohibiting the leaving of any thing, other than a vehicle, in an off-street parking place;
  - the removal from an off-street parking place of any thing, other than a vehicle, left there in contravention of an order ? under paragraph (1);
  - the safe custody of any thing (including a vehicle) removed under sub-paragraph (a), (b) or (d);
  - the disposal of any thing, other than a vehicle, removed under sub-paragraph (d);
  - the recovery of any costs reasonably incurred in connection with the removal, custody or disposal of any thing, other than a vehicle, removed under sub-paragraph (d).
- (14) An order under paragraph (1) may make provision authorising the use of part of an off-street parking place—
- for the collection of recyclable materials; or
  - for advertising; or
  - for displaying information to the public,
- in accordance with a licence issued by the [F9]parking authority] .
- (15) For the purposes of paragraph (14) the [F9]parking authority] may issue licences for such consideration and on such terms and conditions as the [F9]parking authority] thinks fit and an order under paragraph (1) may make provision regulating the issue, revocation and surrender of such licences.
- (16) An order under paragraph (1) may make provision for the suspension of the use of a parking place or any part of it on such occasions or in such circumstances as may be specified in the order.
- (17) A copy of any order under paragraph (1) relating to an off-street parking place shall be exhibited on or near that parking place.
- (18) Schedule 4 makes further provision relating to orders under this Article.

**F9** Words in art. 13(1)(9)-(11)(14)(15) substituted (1.4.2015) by [Off-street Parking \(Functions of District Councils\) Act \(Northern Ireland\) 2015 \(c. 3\), art. 1\(8\), Sch. para. 2\(1\)](#)

**F10** Art. 13(3)(4) repealed (30.10.2006) by [Traffic Management \(Northern Ireland\) Order 2005 \(S.I. 2005/1964 \(N.I. 14\)\), arts. 1\(3\), 39\(b\), 47, Sch. 3; S.R. 2006/347, art. 2, Sch.](#)

**Modifications etc. (not altering text)**

**C1** Arts. 10-14: transfer of functions (1.4.2015) by [Off-street Parking \(Functions of District Councils\) Act \(Northern Ireland\) 2015 \(c. 3\), art. 1\(1\)\(8\)](#) (with art. 1(2))

**Offences and proceedings in connection with parking places provided under Article 10 or 11**

**14.—(1)** In the event of any contravention of a provision of an order under Article 13, the person responsible is guilty of an offence.

- (2) A person who, with intent to defraud—
  - (a) interferes with any such apparatus or device mentioned in Article 13(5) as is by an order under Article 13(1) to be used for the collection of charges at an off-street parking place, or operates or attempts to operate it by the insertion of objects other than current coins or bank notes of the appropriate denomination, or the appropriate credit or debit cards; or
  - (b) interferes with any such apparatus as is mentioned in Article 13(6) or with a parking device, or operates or attempts to operate any such apparatus or any parking device otherwise than in accordance with an order under Article 13(1), or
  - (c) displays a parking device otherwise than in accordance with an order under Article 13(1),is guilty of an offence.
- (3) An order under Article 13(1) may include provision—
  - (a) for determining the person responsible for any contravention of the order;
  - (b) <sup>F11</sup> .....
  - (c) for treating—
    - (i) the indications given by any such apparatus or device as is mentioned in Article 13(5) used in pursuance of the order or the absence of any such device from a vehicle left in a parking place, or
    - (ii) the indications given by any such apparatus as is mentioned in Article 13(6) used in pursuance of the order, or any tickets issued by it, or the absence of any ticket from a vehicle left in a parking place,as evidence of such facts and for such purposes as may be provided by the order;
  - (d) for applying with any appropriate adaptations any of the provisions of Article 19(5) to (7).
- (4) In this Article—
  - “credit card” means a card or similar thing issued by any person, use of which enables the holder to defer the payment by him of the charge for parking a vehicle; and
  - “debit card” means a card or similar thing issued by any person, use of which by the holder causes the charge for parking a vehicle to be paid by the electronic transfer of funds from a current account at a bank or other institution providing banking services.
- (5) A person authorised by the [<sup>F12</sup>parking authority] in that behalf or a constable may secure the observance of orders under Article 13 and, where he has reasonable cause to believe that the driver of a vehicle has contravened a provision of an order under that Article, may require the driver to stop the vehicle and provide his name and address.
- (6) A person (other than a constable) exercising powers conferred under paragraph (5) shall, on request, produce some document showing that he is authorised by the [<sup>F12</sup>parking authority] to exercise those powers.
- (7) For the purposes of paragraph (5), section 7 of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 (assault on, and obstruction of, constables, etc.) shall have effect in relation to a person authorised as mentioned in that paragraph as if he were a constable.
- (8) Where the driver of a vehicle is alleged to be guilty of an offence under paragraph (1) in relation to an off-street parking place—
  - (a) the person keeping the vehicle shall, within 14 days of service on him of a notice by or on behalf of the [<sup>F12</sup>parking authority] , give to the [<sup>F12</sup>parking authority] such information as to the identity of the driver as may be required by the notice;

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(b) any other person shall, if required as mentioned in sub-paragraph (a), give within the period there specified any information which it is in his power to give and which may lead to the identification of the driver.

(9) If a person fails to comply with paragraph (8), he is guilty of an offence unless he shows to the satisfaction of the court that he did not know and could not with reasonable diligence have ascertained who was the driver of the vehicle.

**F11** Art. 14(3)(b) repealed (30.10.2006) by [Traffic Management \(Northern Ireland\) Order 2005 \(S.I. 2005/1964 \(N.I. 14\)\)](#), arts. 1(3), 39(c), 47, Sch. 3; S.R. 2006/347, **art. 2**, Sch.

**F12** Words in art. 14 substituted (1.4.2015) by [Off-street Parking \(Functions of District Councils\) Act \(Northern Ireland\) 2015 \(c. 3\)](#), art. 1(8), **Sch. para. 2(1)**

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**Modifications etc. (not altering text)**

**C1** Arts. 10-14: transfer of functions (1.4.2015) by [Off-street Parking \(Functions of District Councils\) Act \(Northern Ireland\) 2015 \(c. 3\)](#), **art. 1(1)(8)** (with art. 1(2))

### Designation of parking places on roads for which charges may be made

15.—(1) The Department may by order—

- (a) designate parking places on public roads;
- (b) specify the vehicles or classes of vehicles by which places so designated may be used; and
- (c) impose charges for vehicles left in any parking place so designated.

(2) In determining what parking places are to be designated under paragraph (1), the Department shall consider both the interests of traffic and those of the owners and occupiers of adjoining property.

(3) In particular the Department shall have regard to—

- (a) the need for maintaining the safe and free movement of traffic;
- (b) the need for maintaining reasonable access to premises; and
- (c) the extent to which off-street parking accommodation is available in the neighbourhood or the provision of such parking accommodation is likely to be encouraged there by the designation of parking places under this Article,

(4) An order under paragraph (1) may designate a parking place for use (either at all times or at times specified in the order)—

- (a) only by such persons or vehicles as may be authorised for the purpose by a permit issued by the Department under paragraph (5); or
- (b) both by such persons or vehicles with or without charge and, subject to specified conditions as to duration of parking or times at which parking is authorised, by such other persons or vehicles as may be specified in the order.

[<sup>F13</sup>(4A) An order under paragraph (1) may—

- (a) designate a parking place or specify a public road by reference to a map prepared under Article 36 of the [Traffic Management \(Northern Ireland\) Order 2005](#) which is not part of the order; and
- (b) provide that the order shall have effect as if the map were part of the order.]

(5) The Department may issue permits for the purposes of paragraph (4) and, in the case of any particular parking place and any particular vehicle or class of vehicle, issue a permit for that vehicle or class of vehicle to be left in the parking place while the permit remains in force, either at all times or at times specified in the permit.



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(6) The Department may make such charge in connection with the issue or use of permits under paragraph (S), of such amount and payable in such manner, as the Department may determine.

(7) Schedule 4 makes further provision relating to orders under this Article.

**F13 2005 NI 14**

**Charges for parking in designated parking places**

16.—(1) <sup>F14</sup>.....

(2) Provision may be made by order under Article 15 for—

- (a) regulating the time at which and the method by which any charge is to be paid and requiring the use of an apparatus or device (a “parking meter”) being an apparatus or device designed—
  - (i) to indicate whether any charge has been paid and whether the period for which it has been paid or any further period has elapsed, or
  - (ii) to indicate the time and to issue tickets indicating the payment of a charge and the period in respect of which it has been paid, or
  - (iii) in any other way to control or regulate the parking of vehicles or to measure or record the duration of such parking or to receive or acknowledge the receipt of a charge for such parking according to an amount or scale fixed by such an order and as measured or recorded by the apparatus or device;
- (b) prohibiting the parking of vehicles on any road or part of a road either generally or specially or subject to such conditions as may be specified in the order including conditions prohibiting parking except by persons who use such parking meters and pay such charges as are referred to in sub-paragraph (a);
- (c) requiring a vehicle to display a ticket issued by a parking meter when left in a parking place and treating the indications given by a parking meter or any ticket issued by it, or the display or failure to display such a ticket on any vehicle at a parking place, as evidence of such facts and for such purposes as may be provided by the order;
- (d) prohibiting the insertion in a parking meter of coins or bank notes additional to those inserted by way of payment of any charge or prohibiting the insertion or re-insertion in a parking meter of a credit or debit card additional to the original insertion of such a card;
- (e) exempting from the payment of any charge any vehicle left in a parking place in such circumstances as may be specified in the order and treating any vehicle so exempted as having been left there, and the charge from which it is exempted as having been paid, at such time as may be so specified.

(3) Provision may be made by order under Article 15 for—

- (a) regulating the issue, revocation and surrender of any permit such as is mentioned in Article 15(5) and the issue, use and surrender of tokens indicating the holding of such a permit, or the payment of any charge in connection with the issue or use of the permit;
- (b) requiring a vehicle to which such a permit applies to display the permit or such a token when left in a parking place to which the permit applies, and treating the display of or failure to display the permit or such a token on any vehicle left at a parking place as evidence of such facts and for such purposes as may be provided by the order;
- (c) refunding, in such circumstances and in such manner as may be provided by the order of all or part of any charge paid in advance by virtue of Article 15(6).

(4) In this Article “credit card” and “debit card” have the same meanings as in Article 14.

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**F14** Art. 16(1) repealed (30.10.2006) by [Traffic Management \(Northern Ireland\) Order 2005 \(S.I. 2005/1964 \(N.I. 14\)\)](#), arts. 1(3), 39(d), 47, Sch. 3; S.R. 2006/347, [art. 2](#), Sch.

### Regulation of designated parking places

**17.—(1)** An order under Article 15 may provide for regulating or restricting the use of a designated parking place, or otherwise for or in connection with the operation of such a parking place, and in particular, but without prejudice to the generality of the foregoing, may—

- (a) make provision for determining the manner in which vehicles shall be driven into or out of the parking place, the number and dimensions of spaces in which vehicles may be left in the parking place and the position in which vehicles may be left in those spaces;
  - (b) authorise the alteration of the position of vehicles in a parking place;
  - (c) provide for the suspension of the use of a parking place or any part of it on such occasions or in such circumstances as may be specified in the order, and for the temporary removal of any parking meters installed at a parking place;
  - (d) prohibit or restrict the carrying on of trade or other activities or the doing of any other thing at a parking place;
  - (e) specify the functions of parking attendants in relation to a designated parking place;
  - (f) provide for the illumination of a parking place and the erection or display of notices or traffic signs, and the carrying out of works on or in the vicinity of a parking place.
- (2) An order under Article 15 may make provision as to—
- (a) the removal from a parking place of any vehicle left there in contravention of such an order;
  - (b) the removal in an emergency of any vehicle left in a parking place; and
  - (c) the safe custody of any vehicle removed under sub-paragraph (a) or (b).

### Supplementary provisions relating to designation orders

**18.—(1)** Where under an order under Article 15 vehicles may not be left at all times in a designated parking place—

- (a) the parking place shall for the purposes of Articles 16, 17 and 19 be treated, as respects any time during which vehicles may not be left there in pursuance of the order, as if it were not designated by the order;
  - (b) any vehicle left in the parking place which remains there at the beginning of a period during which vehicles may be left there in pursuance of the order shall for the purposes of those Articles be treated as if it had been left there at the beginning of that period, but without prejudice to any rights or liabilities in respect of anything done or omitted to be done at any time before the beginning or after the end of that period.
- (2) An order under Article 15 may vary or revoke—
- (a) any traffic regulation order prohibiting or restricting the waiting of vehicles in any road; or
  - (b) any order under Article 10(4) authorising the use of any part of a road as a parking place,
- and any such order as is mentioned in sub-paragraph (a) or (b) may provide that the order shall not have effect as respects any time as respects which provision is made by an order under Article 15 for the leaving of vehicles in that part of the road.

(3) A constable may suspend the use of a designated parking place for not more than seven days in order to prevent or mitigate congestion or obstruction of traffic, or danger to or from traffic, in consequence of extraordinary circumstances.

## Offences relating to parking places on roads where charges may be made

19.—(1) If the driver of a vehicle—

- (a) otherwise than as authorised under Article 15—
  - (i) leaves the vehicle in a parking place designated under that Article; or
  - (ii) leaves the vehicle there for longer<sup>F15</sup> . . . than the time so authorised; or
- (b) fails duly to pay any charge payable in respect of the vehicle; or
- (c) contravenes any provision of an order under that Article as to—
  - (i) the manner in which vehicles shall be driven into or out of a parking place; or
  - (ii) the position in which vehicles shall be left in a parking place,

he is guilty of an offence.

(2) In relation to an offence under paragraph (1)(b) the reference to the driver of a vehicle shall be construed as a reference to the person driving the vehicle at the time it was left in the parking place.

(3) If any person, whether the driver of a vehicle or not, contravenes any provision of an order under Article 15 otherwise than as mentioned in paragraph (1), he is guilty of an offence.

(4) A person who, with intent to defraud, interferes with a parking meter or operates or attempts to operate a parking meter by the insertion of objects other than current coins or bank notes of the appropriate denomination or the appropriate credit or debit cards is guilty of an offence.

(5) Where, in any proceedings for an offence under this Article of failing to pay any charge, it is proved that the amount which has become due, or any part of that amount, has not been duly paid, the court shall order the payment of the sum not paid and any such order may be enforced in like manner as an order for the payment of a sum adjudged to be paid on a conviction.

(6) Any sum ordered under paragraph (5) to be paid shall, for the purposes of any enactment providing for imprisonment in default of payment of a sum adjudged to be paid on a conviction, be aggregated with the amount of the fine, if any, ordered to be paid in respect of the offence.

(7) <sup>F16</sup> . . . . .

(8) Without prejudice to the right of any other person to institute proceedings the Department may institute proceedings for an offence under this Article.

(9) Any apparatus (within the meaning of Article 26) and any notice or traffic sign erected by the Department for the purposes of a designated parking place shall, unless the contrary is proved, be deemed to have been lawfully so erected.

<p><b>F15</b> Words in art. 19(1)(a)(ii) repealed (30.10.2006) by <a href="#">Traffic Management (Northern Ireland) Order 2005 (S.I. 2005/1964 (N.I. 14))</a>, arts. 1(3), 39(e)(i), 47, Sch. 3; S.R. 2006/347, <b>art. 2</b>, Sch.</p> <p><b>F16</b> Art. 19(7) repealed (30.10.2006) by <a href="#">Traffic Management (Northern Ireland) Order 2005 (S.I. 2005/1964 (N.I. 14))</a>, arts. 1(3), 39(e)(ii), 47, Sch. 3; S.R. 2006/347, <b>art. 2</b>, Sch.</p>
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## Acceptance of payment as bar to proceedings under Article 19

20. Where in the case of any vehicle—

- (a) an authorisation by way of such a permit or token as is referred to in Article 16(3) has been issued with respect to the vehicle; and
- (b) the Department is satisfied that, in accordance with the terms on which the authorisation was issued, a charge has become payable and has not been paid in respect of any period for which the vehicle has been left in a parking place,

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acceptance by the Department of payment of the amount of that charge shall be a bar to proceedings for an offence under Article 19(1)(b) of failing duly to pay the charge.

### **Parking devices for designated parking places**

**21.—(1)** Any power of the Department under Article 15(1) to impose charges for vehicles left in a designated parking place shall include power to require those charges, or any part of them, to be paid by means of the hire or purchase in advance, or the use, of parking devices in accordance with any relevant provision of an order under that Article.

(2) The provision which may be made by virtue of Article 16(3) includes provision—

- (a) for regulating the issue, use and surrender of parking devices;
- (b) for requiring vehicles to display parking devices when left in any parking place in respect of which parking devices may be used;
- (c) without prejudice to the generality of sub-paragraph (b), for regulating the manner in which parking devices are to be displayed or operated;
- (d) for regulating the use, and the manner of use, of apparatus designed to be used in connection with parking devices;
- (e) for treating—
  - (i) the indications given by a parking device; or
  - (ii) the display or the failure to display a parking device on or in any vehicle left in any parking place,
 as evidence of such facts and for such purposes as may be provided by the order;
- (f) for the refund, in such circumstances and in such manner as may be specified in the order, of the whole or part of the amount of any charge paid in advance in respect of a parking device;—
- (g) for the payment of a deposit in respect of the issue of a parking device and for the repayment of the whole or part of any such deposit.

(3) For the purposes of paragraph (2)—

- (a) the reference to parking meters in Article 16(2)(c) and (d) shall include references to the apparatus referred to in paragraph (2)(d); and
- (b) the reference in Article 16(2)(d) to the insertion in a parking meter of coins or bank notes additional to those inserted by way of payment of any charge or to the insertion or re-insertion in a parking meter of a credit or debit card additional to the original insertion of such a card shall include (so far as is appropriate) a reference to insertions or re-insertions in any such apparatus of parking devices additional to the original insertion of those devices.

(4) In this Article and Article 22 (offences in connection with parking devices) “parking device” means either a card, disc, token, meter, permit, stamp or other similar device, whether used in a vehicle or not, which, being used either by itself or in conjunction with any such apparatus as is referred to in paragraph (2)(d), indicates or causes to be indicated the payment of a charge, and—

- (a) the period in respect of which it has been paid and the time of the beginning or end of the period; or
- (b) whether or not the period for which it has been paid or any further period has elapsed; or
- (c) the period for which the vehicle in relation to which the parking device is used is permitted to park in the parking place, and the time of the beginning or end of that period; or
- (d) whether or not the period for which the vehicle in relation to which the device is used is permitted to park in the parking place or any further period has elapsed;

or any other device of such description as may be prescribed for the purposes of this Article and Article 22.

(5) Regulations under paragraph (4) which revoke or amend previous regulations under that paragraph may make such saving and transitional provision as appears to the Department to be necessary or expedient.

### **Offences in connection with parking devices**

**22.** A person who, with intent to defraud—

- (a) interferes with any apparatus referred to in Article 21(2)(d) or with a parking device, or operates or attempts to operate any such apparatus or any parking device otherwise than in accordance with an order under Article 15; or
- (b) displays a parking device otherwise than in accordance with an order under Article 15,

is guilty of an offence.

### **Mishandling of parking devices, etc.**

**23.—**(1) A person who, with intent to deceive—

- (a) uses, or lends to, or allows to be used by, any other person—
  - (i) any parking device or apparatus designed to be used in connection with parking devices;
  - (ii) any ticket issued by a parking meter, parking device or apparatus designed to be used in connection with parking devices; or
  - (iii) any such permit or token as is referred to in Article 16(3)(a); or
- (b) makes or has in his possession anything so closely resembling any such thing as is mentioned in sub-paragraph (a) as to be calculated to deceive,

is guilty of an offence.

(2) In this Article “parking device” has the same meaning as in Article 13 or, as the case may be, Article 21.

### **Public service vehicle plying for hire in parking place**

**24.** While a vehicle is within a designated parking place or a parking place provided under Article 10 or 11, the driver or conductor of the vehicle, and any person employed in connection with the vehicle, shall not ply for hire or accept passengers for hire, and any person acting in contravention of this Article is guilty of an offence.

### **Parking attendants**

**25.—**(1) The [<sup>F17</sup>parking authority] may appoint such persons as may be necessary for the superintendence of parking places.

(2) Persons appointed under paragraph (1) shall be known as parking attendants.

**F17** Words in art. 25 substituted (1.4.2015) by [Off-street Parking \(Functions of District Councils\) Act \(Northern Ireland\) 2015 \(c. 3\), art. 1\(8\), Sch. para. 4](#)

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**Modifications etc. (not altering text)**

**C2** Arts. 25-27: transfer of functions (1.4.2015) by [Off-street Parking \(Functions of District Councils\) Act \(Northern Ireland\) 2015 \(c. 3\)](#), **art. 1(1)(8)** (with art. 1(2))

**Acquisition and inspection, etc., of apparatus**

**26.**—(1) The [<sup>F18</sup>parking authority ] may acquire, whether by purchase or hiring, such apparatus as appears to the [<sup>F18</sup>parking authority] to be required for the purposes of its functions under this Part.

(2) The [<sup>F18</sup>parking authority ] may erect, maintain and operate any such apparatus—

- (a) in any off-street parking place provided under Article 10 or 11 or adjacent to such a parking place; or
- (b) in any parking place authorised under Article 10(4) or designated under Article 15 or in, on or near any road adjacent to such a parking place.

(3) The [<sup>F18</sup>parking authority ] shall make periodical inspections and tests of apparatus provided by it and in use and shall deal with any found to be out of order.

(4) In this Article “apparatus” includes a parking meter and any device.

**F18** Words in art. 26 substituted (1.4.2015) by [Off-street Parking \(Functions of District Councils\) Act \(Northern Ireland\) 2015 \(c. 3\)](#), art. 1(8), **Sch. para. 4**

**Modifications etc. (not altering text)**

**C2** Arts. 25-27: transfer of functions (1.4.2015) by [Off-street Parking \(Functions of District Councils\) Act \(Northern Ireland\) 2015 \(c. 3\)](#), **art. 1(1)(8)** (with art. 1(2))

**Protection of [<sup>F19</sup>parking authority] from liability**

**27.** The exercise by the [<sup>F19</sup>parking authority] of its functions under this Part shall not render the [<sup>F19</sup>parking authority] subject to any liability in respect of the loss of or damage to any vehicle in a parking place or the fittings or contents of any such vehicle, unless such loss or damage is directly attributable to a negligent act of the [<sup>F19</sup>parking authority ] or its servant or agent.

**F19** Words in art. 27 substituted (1.4.2015) by [Off-street Parking \(Functions of District Councils\) Act \(Northern Ireland\) 2015 \(c. 3\)](#), art. 1(8), **Sch. para. 4**

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**Changes and effects yet to be applied to :**

- [Instrument am. \(prosp.\) by 1998 c. 32 s.74\(1\)Sch.4 para.23](#)