

Newry Mourne and Down District Council Draft Off Street Parking (Public Car Parks) Order

Made - - - -

XXXX

Coming into operation-

XXXX

ARRANGEMENT OF ORDER

PART 1

PRELIMINARY

1. Citation and commencement
2. Interpretation

PART 2

USE OF PARKING PLACES

3. Specified parking places
4. Vehicles of a specified class
5. Position in which a vehicle may wait
6. Parking bays for disabled persons' vehicles
7. Parking bays for electric vehicles
8. Parking bays for motorcycles
9. Parking bays for buses / coaches
10. Parking bays for caravans
11. Maximum period for which a vehicle may wait
12. Use of parking place other than for parking
13. Issue of licences
14. Surrender and revocation of licences

PART 3

TARIFFS AND TICKETS

15. Requirement to pay appropriate tariff
16. Payment of charges
17. Pre-paid tickets
18. Use of telephone parking system
19. Display of printed tickets in Pay and Display car parks
20. Particulars of ticket in a Pay and Display car park
21. Season tickets

PART 4

RESTRICTION ON USE OF VEHICLES AND PARKING PLACES

22. Requirement to stop the engine of a vehicle
23. Trading in a parking place
24. Sounding of horn
25. Driving in a parking place
26. Ball games
27. Miscellaneous activities
28. Means of passage – Rights of Way
29. Consumption of intoxicating liquor
30. Use of entrances and exits, and direction of travel
31. Erection of structures and lighting of fires
32. Supermarket trolleys
33. Reserving a parking bay
34. Suspension of parking places
35. Use of car park or sections of for the purposes of temporary meeting place

SCHEDULE 1 — PARKING PLACES

SCHEDULE 2 — TARIFFS

Newry Mourne and Down District Council (1) makes the following Order in exercise of the powers conferred by Articles 10, 11, 13, 14 and 26(1) of the Road Traffic Regulation (Northern Ireland) Order 1997(2) and Article 43 of the Traffic Management (Northern Ireland) Order 2005(3) and now vested in it (4).

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

PART 1 PRELIMINARY

Citation and commencement

1. This Order may be cited as Newry Mourne and Down District Council Off - Street (Public Car Parks) Order 2026 and shall come into operation on ^{xx} day of 202

Interpretation

2. In this Order—

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- (1) S.I. 1999/283 (N.I. 1) Article 3(1)
 - (2) S.I. 1997/276 (N.I. 2)
 - (3) S.I. 2005/1964 (N.I. 14)
 - (4) S.R. 1999 No. 481 Article 6(d) and Schedule 4 Part IV

“charging hours” means the period during which the driver is required to pay a charge for the use of a parking place specified in column 1 of Schedule 1 in accordance with the scale of charges set out in column 6 of Schedule 1;

“bus” or “coach” means a public service vehicle which seats more than 8 passengers in addition to the driver and is used for hire or reward;

“caravan” means any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted to provide mobile living accommodation for its users.

“Council” means Newry Mourne and Down District Council;

“disabled persons vehicle” means a vehicle lawfully displaying a blue badge

“driver” means the person who whether as owner or otherwise has the charge or control of a vehicle or being present is entitled to give orders to the person having charge or control thereof;

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

“electric vehicle charging post” means apparatus which supplies electricity for the charging of electric vehicles;

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

“intoxicating liquor” means spirits, wine, beer, cider and any fermented, distilled or spirituous liquor with an alcohol content exceeding 1.2 per cent by volume;

“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 and for the purposes of this Order includes an electric vehicle of this type;

“Mobility Vehicle” means a mechanically propelled vehicle the weight of which unladen does not exceed 254 kilograms and which is specially designed and constructed, and not merely adapted, for the use of a person suffering from some physical defect or disability and is used solely by such a person;

“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 and for the purposes of this Order includes an electric vehicle of this type;

“motor cycle” means a mechanically propelled vehicle not being an invalid carriage or motor car having fewer than 4 wheels and the weight of which unladen does not exceed 410 kgs;

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

“parking charge” means any charge set by the Council for leaving a vehicle in a parking place authorised by this Order.

“parking ticket” means a ticket issued by a ticket machine relating to any parking place for which a charge is made identified in Schedule 1;

“pay and display parking place” means an off-street parking place authorised by this Order where permitted vehicles may park with a parking ticket issued by a ticket machine and displayed in the manner specified in Article 16 or whose driver is a registered driver who has paid the relevant fee via the telephone parking system.

“public service vehicle” means a mechanically propelled vehicle constructed or adapted to carry more than 8 seated passengers in addition to the driver, and used in standing or plying for hire, or used to carry passengers for hire;

“registered driver” means the driver of a vehicle who has, prior to leaving their vehicle in a pay and display parking place, had registered so many of their personal details with a service provider as that service provider may require to enable the telephone parking system to be activated in favour of said driver;

“service provider” means a person or company providing services to or on behalf of the Council

“telephone parking system” means a system to facilitate and monitor any parking charge paid using any telephone or internet enabled device via communication with the service provider in accordance with instructions indicated on signs located at each pay and display parking place where the system is operational; and

“ticket machine” means an apparatus designed to issue a ticket indicating payment of a charge and 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 ticket expires.

“disabled persons vehicle” means a vehicle lawfully displaying a blue badge;

“blue badge” means a badge of a form prescribed under section 14(1) of the [1978 c. 53.] Chronically Sick and Disabled Persons (Northern Ireland) Act 1978;

PART 2

USE OF PARKING PLACES

Specified parking places

3. Each area of land specified by name in column 1 of Schedule 1 may be used subject to the provisions of this Order as a parking place for such classes of vehicles during such hours on such days as are specified in relation to that area in Schedule 1.

Vehicles of a specified class

4. Where in Schedule 1 a parking place is described as available for vehicles of a specified class, the driver of a vehicle shall not permit it to wait in that parking place unless it is of the specified class.

Position in which a vehicle may wait

5. The driver of a vehicle shall not permit it to wait in a parking place other than in a position wholly within a parking bay where such has been marked out.

Parking bays for disabled persons' vehicles.

6. The driver of a vehicle, other than a disabled person's vehicle shall not permit it to wait in a parking bay indicated by a sign or surface marking as being reserved for a disabled person's vehicle.

Parking bays for electric vehicles

7. – (1) The driver of a vehicle, other than an electric vehicle, shall not permit it to wait in a parking bay indicated by a sign or surface marking of the bay as being reserved for an electric vehicle.

(2) An electric vehicle waiting in a parking bay indicated by a sign or surface marking as being reserved for an electric vehicle shall do so only if it is connected to an electric vehicle charging post

Parking bays for motorcycles

8. The driver of a vehicle, other than a motorcycle, shall not permit it to wait in a parking bay indicated by a sign or surface markings as being reserved for a motorcycle.

Parking bays for buses / coaches

9. The driver of a vehicle, other than a bus / coach, shall not permit it to wait in a parking bay indicated by a sign or surface markings as being reserved for a bus / coach.

Parking bays for Caravans

10. The driver of a vehicle, other than a caravan, shall not permit it to wait in a parking bay indicated by a sign or surface markings as being reserved for a caravan.

Maximum period for which a vehicle may wait

11. The driver of a vehicle shall not permit it to wait in a parking place for longer than the maximum period permitted for waiting specified in column 5 of Schedule 1 in relation to that parking place.

Use of parking place other than for parking

12. - (1) The use of part of the parking places specified in Schedule 1 for the collection of recyclable materials is prohibited unless authorised in accordance with a licence issued by the Council under 13(1).

(2) The use of part of the parking places specified in Schedule 1 for advertising is prohibited, unless authorised in accordance with a licence issued by the Council under Article 13(2).

(3) The use of part of the parking places specified in Schedule 1 for displaying information to the public is prohibited, unless authorised in accordance with a licence issued by the Council under Article 1(3).

(4) The use of part of the parking places specified in Schedule 1 for any other use is prohibited. The Council may consider applications by a person or persons for permission to use part of a parking place for such other reasonable use or purpose, as determined by The Council, and in accordance with a licence issued by the Council under Article 13(4).

Issue of licences

13(1) - A registered charity may apply to the Council for the issue of a licence authorising the use of part of a parking place specified in Schedule 1 for the collection of recyclable materials.

(2) A person may apply to the Council for the issue of a licence authorising the use of part of a parking place specified in Schedule 1 for advertising.

(3) A person may apply to the Council for the issue of a licence authorising the use of part of a parking place specified in Schedule 1 for displaying information to the public.

(4) A person may apply to the Council for the issue of a licence authorising the use of part of a parking place specified in Schedule 1 for any reasonable use or purpose or in such circumstances as the Council considers reasonable.

(5) The Council may require an applicant in any particular case to submit such additional information or documents as the Council determines are necessary to determine the application.

(6) On receipt of an application made under paragraph (1), (2) (3) or (4) the Council, upon being satisfied that the use of part of the parking place referred to in that application for the purpose referred to in that application will not adversely affect or adversely interfere with the provision of parking spaces in that parking place, may issue a licence in accordance with Article 13(15) of the Road Traffic Regulation (Northern Ireland) Order 1997 authorising the use by the applicant of part of that parking place for that purpose.

In this Article –

“registered charity” means a charity registered in the register of charities required to be kept by the Charity Commission by virtue of section 16(1) of the Charities Act (Northern Ireland) 2008 (e)

Surrender and revocation of licences

14 (1) A person to whom a licence is issued (“a licensee”) may surrender a licence to the Council at any time.

(2) The Council may serve on the licensee a notice revoking a licence, stating the reasons for the revocation if it appears to the Council that one of the events set out in paragraph (4) has occurred, and the revocation shall take effect on the expiration of the period of one month from the service of that notice.

(3) A notice under paragraph (2) shall be served by delivering it to the person to whom it is addressed at their proper address, or by sending it to such address by telefacsimile or other electronic means, or by post.

(4) The events referred to in paragraph (2) are—

(a) if the licensee fails to comply with any condition of the licence;

(b) if the Council considers the withdrawal of the licence is necessary for the purpose of the exercise of its statutory functions.

PART 3
TARIFFS AND TICKETS IN PAY AND DISPLAY CAR PARKS

Requirement to pay appropriate tariff

15. The driver of a vehicle using a parking place during charging hours shall pay the appropriate tariff set out in Schedule 2 in accordance with the scale of charges specified in column 6 of Schedule 1 in relation to that parking place.

Payment of charges

16.—(1) Save as provided for in Article 21 the driver of a vehicle leaving it in a parking place specified in column 1 of Schedule 1 during the days and hours specified in columns 3 and 4 in relation thereto shall pay the appropriate charge in accordance with the scale of charges specified in column 6 in relation thereto and set out in Schedule 2.

(2) Charges may be paid by—

- (a) inserting into a ticket machine a coin or combination of coins of appropriate denominations;
- (b) inserting into a ticket 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 ticket machine; or
- (d) the use of pre-paid tickets; or
- (e) a registered driver using the telephone parking system.
- (f) Use of Direct Debit where available

(3) Telephone and credit/debit card charges incurred in the course of making any parking payment transaction shall be the responsibility of the registered driver.

Pre-paid tickets

17. 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.

Use of telephone parking system

18. If at any time a vehicle is left in a parking place during the specified hours and a check is carried out by, or on behalf of, the Council and no indication that a parking charge has been paid using the telephone parking system in respect of that vehicle for that controlled parking zone appears on a traffic attendant's hand-held device it shall be presumed, unless the contrary is proved that either—

- (a) a parking charge had not been paid in respect of that vehicle; or
- (b) the parking period for which payment was made had already expired.

Display of printed tickets

19. – (1) The driver shall attach the ticket issued by a ticket machine or a pre-paid ticket duly perforated on the inside surface of the windscreen or a side window facing the kerb or place the ticket on the dashboard area immediately below the windscreen so that the

particulars recorded on the front of the ticket 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 displayed in a conspicuous position in a ticket holder or in front of the driver's seat

Particulars of tickets

20.—(1) Where a vehicle is left parked in a parking place where charges may be collected by means of a ticket machine and the particulars on the ticket indicate that the period in respect of which payment was made has expired, for the purposes 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 said particulars are evidence of the expiry of such period.

(2) Where a vehicle is left parked in a parking place where charges may be collected by means of a ticket machine, and a ticket is not displayed in accordance with the provisions of Articles 16 or 18 (6) for the purposes 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 absence of a ticket is evidence of the fact that a ticket has not been purchased.

Season tickets

21.— (1) The Council or their service provider may on application from the driver or owner of a vehicle sell to that person a season ticket on payment of the appropriate tariff referred to in Article 12.

(2) A season ticket shall be valid only in respect of such parking places as are specified thereon for the period for which it is issued and for the vehicle in respect of which it is issued.

(3) The Council or their service provider may by notice in writing served on the season ticket holder by recorded delivery post to the address stated on the season ticket holder's application, require the surrender of a season ticket where:

(a) the season ticket holder has not complied with the relevant Off-Street Parking Order; or

(b) a season ticket has been issued upon receipt of a cheque and the cheque is subsequently dishonoured; or

(c) the season ticket holder has ceased to have an interest in the vehicle in respect of which the season ticket was issued;

and the season ticket holder shall surrender the season ticket to the Council or their service provider within forty-eight hours of the receipt of the said notice.

(4) The issue of a season ticket shall not guarantee that any parking place will be available for the use of the season ticket holder.

(5) A season ticket shall include the following particulars:

(i) the registration mark of the vehicle in respect of which the season ticket has been issued;

(ii) the period during which the season ticket shall remain valid; and

(iii) the names of the parking places for which the season ticket is valid.

(6) Where a vehicle in respect of which a season ticket has been issued is left parked in a parking place the driver shall display the ticket in a conspicuous position behind the windscreen of that vehicle so as to be clearly visible to the parking attendant.

PART 4

RESTRICTION ON USE OF VEHICLES AND PARKING PLACES

Requirement to stop the engine of a vehicle

22. The driver of a vehicle using a parking place shall stop the engine as soon as the vehicle is in position in the parking place and shall not start the engine except when about to change the position of the vehicle in or to depart from the parking place.

Trading in a parking place

23. — (1) Subject to paragraph (2) and save as provided in Article 24 of the Road Traffic Regulation (Northern Ireland) Order 1997, a person shall not use a parking place in connection with the sale of anything to persons in or near the parking place or in connection with the selling or offering for hire of their skill or services unless the person holds a valid trading licence for the location issued by the Council under the Street Trading Act (Northern Ireland) 2001.

(2) Paragraph (1) shall not apply in respect of any fee payable for the use of an electric vehicle charging post.

Sounding of horn

24. The driver of a vehicle using a parking place shall not sound any horn or other similar instrument except when about to change the position of the vehicle in or to depart from the parking place.

Driving in a parking place

25. A person shall not, except with the permission of any person duly authorised by the Council, drive any vehicle in a parking place other than for the purpose of leaving that vehicle in the parking place in accordance with the provisions of this Order or for the purpose of departing from the parking place.

Ball games

26. A person shall not play any ball game in a parking place

27. A person shall not use any part of a parking place or any vehicle left in a parking place

- (a) for sleeping or camping purposes
- (b) for eating or cooking purposes
- (c) for the purposes of servicing or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place-

Means of passage

28. A person shall not use a parking place as a means of passage from one road to another road or to any premises unless a right of way has been granted in writing by the Council

Consumption of intoxicating liquor

29. A person shall not use any of the parking places specified in Schedule 1, or any vehicle in any of those parking places, for the purpose of consuming intoxicating liquor.

Use of entrances and exits, and direction of travel

30. Where in a parking place signs are erected or surface markings are laid for the purpose of—

- (a) indicating the entrance to or exit from the parking place; or
- (b) indicating that a vehicle using the parking place shall proceed in a specified direction within the parking place,

a person shall not drive or cause or permit to be driven any vehicle—

- (i) so that it enters the parking place otherwise than by an entrance, or leaves the parking place otherwise than by an exit, so indicated; or
- (ii) in a direction other than that specified, as the case may be.

Erection of structures and lighting of fires

31. In a parking place a person shall not—

- (a) erect or cause or permit to be erected any tent, booth, stand, building or other structure without the written consent of the Council;
- (b) light or cause to be lit any fire.

Supermarket trolleys

32. (1) A person shall not cause or permit a supermarket trolley to enter a parking place in or under a building, and any supermarket trolley left there may be removed by a person authorised by the Council.

(2) A person shall not cause or permit a supermarket trolley to be left in any other parking place, other than in an area set aside for that purpose, and any supermarket trolley so left may be removed by a person authorised by the Council.

Reserving a parking bay

33. A person shall not reserve a parking bay in a parking place.

Suspension of parking places

34. (1) The Council may suspend the use of a parking place or any part of it in the following circumstances:

- (a) Upon request from a statutory agency, utility operator, contractor or similar body;
- (b) For the making of a film in or adjacent to a car parking place;
- (c) For any sporting event, social event, entertainment event or other activity deemed to be to the benefit of the public;

(d) Upon request from any person for any other use or purpose or in such circumstances as the council considers reasonable.

35. Use of car park or sections of for the purposes of temporary meeting place

No persons shall use a parking place as a meeting place or point unless authorised by the Council in writing in advance.