

Off-street Parking (Functions of District Councils) Bill

[AS INTRODUCED]

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1. Transfer to district councils of functions in relation to off-street parking places

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A

BILL

TO

Transfer to district councils certain functions in relation to off-street parking places; and for connected purposes.

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows:

Transfer to district councils of functions in relation to off-street parking places

1. — (1) Subject to subsection (2), the functions which are exercisable immediately before the commencement of this section by the Department under
5 Articles 10 to 14 and 25 to 27 of the 1997 Order in relation to off-street parking places situated in the district of a district council are transferred to that council.

(2) Subsection (1) does not apply to —

- (a) functions in relation to off-street parking places operated as “park and ride” or “park and share” parking places;
- 10 (b) functions concerning the making of regulations.

(3) Subject to subsection (5), the functions which are exercisable immediately before the commencement of this section by the Department under Articles 3 to 28 of the 2005 Order so far as relating to relevant contraventions which occur in relation to off-street parking places situated in the district of a council are
15 transferred to that council.

(4) In subsection (3) “relevant contravention” means a contravention of Article 14(1) of the 1997 Order to which Schedule 1 to the 2005 Order applies.

(5) Subsection (3) does not apply to —

- (a) functions relating to contraventions which occur in relation to off-street parking places operated as “park and ride” or “park and share” parking places;
- 20 (b) functions concerning the making of regulations.

(6) The Schedule contains amendments to the 1997 Order and the 2005 Order to give effect to the transfer of functions under this section.

(7) In this section —

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

5 “the 2005 Order” means the Traffic Management (Northern Ireland) Order 2005;

“the Department” means the Department for Regional Development;

“off-street parking place” has the meaning given in Article 2(2) of the Road Traffic Regulation (Northern Ireland) Order 1997.

(8) This Act comes into operation on 1st April 2015.

10 (9) This Act may be cited as the Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2014.

SCHEDULE

Section 1

AMENDMENTS

The Road Traffic Regulation (Northern Ireland) Order 1997 (NI 2)

- 5 1. At the beginning of Part 4 insert the following Article —
- “Parking places : introductory**
- 9A. 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;
- 10 style="padding-left: 120px;">(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.”.
- 2.—(1) Subject to sub-paragraph (2), in Articles 10 to 14 for “Department” (wherever it occurs) substitute “parking authority”.
- 15 (2) Sub-paragraph (1) does not apply to —
- (a) Article 10(4) and (6); and
- (b) Article 13(8).
- 3.—(1) Article 10 is amended as follows.
- (2) After paragraph (2) insert —
- 20 style="padding-left: 80px;">“(2A) A district council may acquire by agreement or compulsorily any land required for the purposes of providing parking places under this Article.”.
- (3) In paragraph (3) after “acquire” insert “under paragraph (2A) (in the case of a district council) or (in the case of the Department)”.
- 25 (4) In paragraph (9) after “roads” insert “(in the case of the Department)”.
4. In Articles 25, 26 and 27 for “Department” (wherever it occurs) substitute “parking authority”.
5. In Schedule 4, at the end insert —
- 30 style="padding-left: 40px;">“8. Paragraphs 1 to 7 apply in relation to orders under Article 13 made by a district council as they apply in relation to orders under that Article made by the Department, but with the substitution for references to the Department of references to the council.”.

The Traffic Management (Northern Ireland) Order 2005 (NI 14)

- 6.—(1) Article 2 is amended as follows.
- 35 (2) In paragraph (2) —
- (a) after the definition of “disabled person’s badge” insert —
- ““enforcement authority” means —
- 40 style="padding-left: 120px;">(a) in relation to an offence under Article 14(1) of the 1997 Order to which Schedule 1 applies which is committed in relation to an off-street parking place (other than one operated as a “park and ride”

- or “park and share” parking place), the council for the district in which the off-street parking place is situated;
- (b) in relation to any other offence to which Schedule 1 applies, the Department.”.
- 5 (b) in the definition of “notice of rejection” for “Department” (wherever it occurs) substitute “enforcement authority”;
- (c) after that definition insert □—
- “ “off-street parking place” has the meaning given by Article 2(2) of the 1997 Order;”.
- 10 (3) In paragraph (4) for “Department” substitute “enforcement authority”.
- 7.—(1) Article 3 is amended as follows.
- (2) For paragraph (1) substitute □—
- “ (1) The Department may provide for the enforcement by individuals of contraventions specified in Schedule 1 in relation to which the Department is the enforcement authority.
- 15 (1A) A district council may provide for the enforcement by individuals of contraventions specified in Schedule 1 in relation to which the council is the enforcement authority.
- (1B) The individuals referred to in paragraphs (1) and (1A) are to be known as traffic attendants.”.
- 20 (3) In paragraph (2) for “the Department” (wherever occurring) substitute “an enforcement authority”.
- (4) After paragraph (2) insert □—
- 25 “(2A) In relation to any function conferred by this Order on an enforcement authority, a reference to a traffic attendant is a reference to a traffic attendant employed by, or in pursuance of arrangements made by, that enforcement authority under paragraph (2).”.
- (5) In paragraph (3) for “Department” (wherever it occurs) substitute “enforcement authority”.
- 30 8.—(1) Subject to sub-paragraph (2), in Articles 5 to 28 for “Department” (wherever it occurs) substitute “enforcement authority”.
- (2) Sub-paragraph (1) does not apply to □—
- (a) Article 8(3) and (4);
- (b) Article 18(6);
- 35 (c) Article 21(8);
- (d) Article 24(1).
- 9.—(1) Article 18 is amended as follows.
- (2) In paragraph (1) □—
- (a) omit “on a public road or in a parking place”; and
- 40 (b) in sub-paragraph (b) after “recoverable” insert “by the enforcement authority”.
- (3) After paragraph (1) insert □—
- “(1A) The power of an enforcement authority under paragraph (1) is exercisable only—

- 5 (a) in the case of a district council, in relation to a vehicle in an off-street parking place in the district of the council (other than one operated as a “park and ride” or “park and share” parking place);
- (b) in the case of the Department, in relation to a vehicle on a public road or in an off-street parking place operated as a “park and ride” or “park and share” parking place.”.

10.—(1) Article 21 is amended as follows.

(2) In paragraph (1) □—

- 10 (a) omit “on a public road or in a parking place”; and
- (b) in sub-paragraph (b) after “recoverable” insert “by the enforcement authority”.

(3) After paragraph (1) insert □—

- 15 “(1A) The power of an enforcement authority under paragraph (1) is exercisable only—
- (a) in the case of a district council, in relation to a vehicle in an off-street parking place in the district of the council (other than one operated as a “park and ride” or “park and share” parking place);
- 20 (b) in the case of the Department, in relation to a vehicle on a public road or in an off-street parking place operated as a “park and ride” or “park and share” parking place.”.

11. In Article 28(1) for “Department’s” substitute “enforcement authority’s”.

12. After Article 38 insert □—

“Acquisition of land for purposes of council’s functions under this Order

- 25 38A. A district council may acquire by agreement or compulsorily any land required for the purposes of its functions under this Order.”.