

The Draft Roads (Functions of District Councils) Bill Consultation Document

The consultation period will end on Friday 23 July 2010.

April 2010



Department for
**Regional
Development**

www.drdni.gov.uk

AN ROINN

Forbartha Réigiúnaí

MÄNNYSTRIE FÜR

Kintra Pairts Fordèrin

ROADS Service

SEEKING YOUR VIEWS

This Consultation Document seeks views on the Department's proposal for a Roads (Functions of District Councils) Bill (Appendix 1).

The consultation period will end on Friday 23 July 2010.

Comments should be sent to:

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Alternative Formats

If you require this document in another format such as large print, Braille, audio format or in another language please contact Clare Carey using the contact details above.

The document is also available on the website – www.drdni.gov.uk under the Consultations link.

Feedback, queries or complaints about the consultation process should also be made through Clare Carey using the contact details above.

Departmental Policy Statement on Confidentiality and FOIA

Following the end of the consultation we shall publish details of the responses received. Information you provide in your response, including **personal information**, could be published or disclosed under the Freedom of Information Act 2000 (FOIA).

Under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals with obligations of confidence. If you want the information that you provide to be treated as confidential it would be helpful if you could explain why. Although we will take full account of your explanation we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not be regarded as binding on the Department.

Before you submit your response, please read Appendix 3 at the back of this document on the confidentiality of consultations. This will give you guidance on the legal position about any information given by you in response to this consultation.

Following consideration of all responses a report will be published on the Department's website at www.drdni.gov.uk under the consultations link.

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1 Purpose of the Consultation Document

1.1 The Department for Regional Development is seeking views from consultees on its proposal for a Roads (Functions of District Councils) Bill – see Appendix 1.

1.2 The consultation document aims to:

- provide information about the Department's proposals;
- explain the anticipated impacts; and
- seek consultees' views.

1.3 The Department proposes to transfer the following local roads functions to councils:

- authorising local road race events
- the issue of authorisations to enable vehicles to enter pedestrian zones
- off-street car parks; and
- on and off-street parking enforcement.

2 Background

2.1 In March 2008 the Northern Ireland Executive agreed proposals for the reform of local government as part of the Review of Public Administration (RPA). These proposals included the transfer of certain functions to district councils that are currently exercised by central government Departments.

2.2 Initially, 11 local roads public realm functions were identified as being suitable for transfer to local government in 2011. Detailed discussions between officials from the Department's Roads Service, the Department of the Environment and local

government about the detail of the functions proposed to transfer ensued. During those meetings local government representatives proposed a number of changes to the functions identified for transfer.

2.3 Subsequently local government representatives submitted a revised list of functions to transfer for Minister Murphy's consideration.

2.4 In August 2009, the Minister agreed with the transfer of a refined suite of public realm functions requested by local government. Those functions are:

- authorising local road race events;
- issuing access permits to pedestrian zones;
- off-street car parks; and
- on and off-street parking enforcement.

2.5 "Building a Better Future – Programme for Government 2008-11" sets out the Northern Ireland Executive's priorities and spending plans for the period 2008-11. To support these priorities, a framework of Public Service Agreements (PSAs) has been agreed with Departments. It is anticipated that this Bill will assist the Executive in meeting PSA 20: Improving Public Services.

3 Details of Proposals

- 3.1 The detailed proposals can all be found in the draft Bill at Appendix 1. However, a summary of the clauses and their intended effect follows.

Clause 1: Transfer to councils of functions in relation to enforcement of parking and other traffic restrictions

- 3.2 Parking and waiting restrictions on public roads are put in place to contribute to the safe and effective movement of traffic and to support the economic and commercial activity in city, district and town centres. Without effective enforcement, improper or illegal parking would cause obstructions and delays, could contribute to congestion and may also compromise road safety.
- 3.3 Provisions for on-street parking and waiting restrictions and off-street parking restrictions are provided in the Road Traffic Regulation (Northern Ireland) Order 1997.
- 3.4 [The Traffic Management \(Northern Ireland\) Order 2005](#) gives the Department the power to enforce, among other things, certain restrictions, both on-street and off-street, to set the level of Penalty Charges and to recover Penalty Charges.
- 3.5 The proposed powers in the Bill will enable district councils to carry out the enforcement function, presently exercised by the Department, in relation to parking and waiting contraventions. This will mean that councils will become responsible for traffic

attendants and for the issuing and processing of Penalty Charge Notices, etc.

- 3.6 The Department would retain responsibility for type-approval of prescribed parking and immobilisation devices, making regulations and for the management of kerb space. This would mean, for example, that the Department would retain the power to specify the amounts of Penalty Charges and the contraventions in respect of which a Penalty Charge is payable.

Clause 2: Transfer to councils of certain functions in relation to parking places

- 3.7 [The Road Traffic Regulation \(Northern Ireland\) Order 1997](#) provides for the management of traffic using the public road network. It also deals with, among other things, traffic signs, speed limits, parking places and traffic regulation orders which may prevent certain forms of traffic from using the road.
- 3.8 The Department is also given powers to provide both on-street and off-street parking places for vehicles and to charge for the use of these parking places. The Department currently owns 364 off-street car parks.
- 3.9 With the exception of those provided for “park and ride” and “park and share” schemes, most of these off-street car parks and the land on which they are situated would transfer to Councils. Councils would therefore become responsible for all aspects of the maintenance and operation of these off-street

car parks and would be enabled to acquire land for the future provision of such parking places.

3.10 In respect of on-street parking, the Department would continue to be responsible for the introduction of Controlled On-Street Parking Zones. Their future provision would be considered following the request of a council or where the Department considers there is a need.

3.11 It is the intention that Councils will assume the power to set tariffs for off-street car parks and for on-street controlled parking zones, with a proviso that they must consult the Department.

Clause 3: Functions of councils in relations to road races.

3.12 The [Road Races \(NI\) Order 1986](#) provides the Department, as road authority, with legislative powers in relation to the authorisation of a maximum of ten motor races on public roads annually and the closing of roads to facilitate them.

3.13 The Bill would introduce powers enabling district councils to make the necessary road closure orders to facilitate road race events in their areas.

3.14 The Bill also provides for the future legislative responsibility for the Road Races Order to transfer from the Department for Regional Development to the Department for Culture, Arts and Leisure (DCAL) which has policy responsibility for the central administration and promotion of sport in Northern Ireland.

Clause 4: Functions of councils in relation to the authorisations under extinguishment orders (Pedestrian Zone Permits)

- 3.15 Articles 100, 101 and 103 of [The Planning \(Northern Ireland\) Order 1991](#) are exercised, on behalf of the Department, by Roads Service. They contain provision enabling extinguishment orders to be made to extinguish rights to use vehicles on roads where that would improve the amenity of an area. In effect, an extinguishment order limits or excludes vehicular traffic from specified streets thereby creating a restricted or pedestrian zone.
- 3.16 An extinguishment order may contain arrangements to permit certain vehicles to have access to the street, despite the fact that an extinguishment order has been made. Such access is achieved by authorisations issued by the Department's Roads Service. Access may be granted to vehicles for given times or for specific periods.
- 3.17 The power to make extinguishment orders will remain with the Department.

4 Human Rights and Equality

- 4.1 The Department considers that the legislative proposals contained in the draft Bill are compatible with the Human Rights Act 1998.
- 4.2 Under the terms of section 75 of the Northern Ireland Act 1988, the Department carried out screening for equality impact and is satisfied that the proposed legislation will not lead to

discriminatory or negative differential impact on any of the section 75 groups. The Department has therefore concluded that a full Equality Impact Assessment is not required. A copy of the screening form can be viewed on the Department's website

http://www.drdni.gov.uk/index/equality_agenda/equality_agenda_equality_screening/screened-out_policies_oct_09_to_mar_10-2.htm

5 Regulatory Impact Assessment

5.1 The content of the Bill does not give rise to any associated costs or savings on business, charities, social economy enterprises or the voluntary sector. Consequently the Department has not conducted a regulatory impact assessment.

6 Consultation

6.1 This consultation document is being issued for public consultation for a 13 week period commencing 26 April 2010.

6.2 A list of consultees can be found at Appendix 4. The consultation document is also available to view at www.drdni.gov.uk under the "Consultations" link.

6.3 If you are aware of any other groups or organisation who may wish to be involved in this process please notify the Department using the contact details provided below.

- 6.4 Comments should reach the Department by Friday 23 July 2010 and should be sent to either:

Clare Carey
Department for Regional Development
Ports & Public Transport Division
Primary Legislation Unit
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10-18 Adelaide Street
Belfast
BT2 8GB

Telephone: 028 90540854
Text phone: 028 90540642

or by email to rmpb@drdni.gov.uk

7 Next Steps

- 7.1 Following the end of this consultation the Department will consider all responses received and prepare a report on the consultation which will be submitted to the Minister and published on the website www.drdni.gov.uk.
- 7.2 The Department will acknowledge receipt of responses and those who respond will be informed of the outcome.
- 7.3 The proposals in the draft Bill will be finalised following consideration of the comments made during the consultation process and will reflect any final decisions taken by the Minister on policy changes.

Appendix 1: Draft Roads (Functions of District Councils) Bill

Roads (Functions of District Councils) Bill

[08/03/2010 15:19:20]

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Functions of district councils

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A

B I L L

TO

Transfer to district councils certain functions concerning the provision of parking spaces, the enforcement of parking and other traffic restrictions and the making of orders in connection with road races; and for connected purposes.

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

Functions of district councils

Transfer to councils of functions in relation to enforcement of parking and other traffic restrictions [j6]

1.—(1) Subject to subsection (2), the functions which are exercisable immediately before the commencement of this section by the Department under Articles 2 to 28 of the Traffic Management (Northern Ireland) Order 2005 (NI 14) in relation to—

- (a) contraventions specified in Schedule 1 to that Order which occur in the district of a council, and
- (b) stationary vehicles in the district of a council,

are transferred to that council.

(2) Subsection (1) does not apply to—

- (a) functions under Article 2(2) of that Order relating to the approval of a type of immobilisation device;
- (b) functions under Article 8(3)(a) of that Order;
- (c) functions concerning the making of regulations.

(3) The statutory provisions set out in Schedule 1 have effect subject to the amendments specified in that Schedule (being amendments for giving effect to the transfers effected by this section).

(4) A transfer of functions under this section does not affect the validity of anything done by, or in relation to, the Department before the commencement of this section.

(5) Anything which—

(a) before the commencement of this section was done by, or in relation to, the Department for the purposes of, or otherwise in connection with, any function transferred to a council by this section, and

(b) is in effect immediately before the commencement of this section,

is to be treated as if it had been done by, or in relation to, that council.

(6) There may be continued by, or in relation to, a council anything (including legal proceedings)—

(a) which relates to any function transferred by this section to that council, and

(b) which is in the process of being done by, or in relation to, the Department immediately before the commencement of this section.

(7) In any document—

(a) which relates to any function transferred by this section to a council, and

(b) which is in effect immediately before the commencement of this section,

any reference to the Department is to be read as a reference to that council.

Transfer to councils of functions in relation to certain parking places [j6a]

2.—(1) Subject to subsection (2), the functions which are exercisable immediately before the commencement of this section by the Department under Part 4 of the Road Traffic Regulation (Northern Ireland) Order 1997 (NI 2) in relation to parking places situated in the district of a council are transferred to that council.

(2) Subsection (1) does not apply to—

(a) functions relating to parking places to which subsection (3) applies;

(b) functions under Articles 10(4), 15(1) to (3), 19(9), 21(1) and 26(2)(b) of, and Schedule 4 to, that Order;

(c) functions concerning the making of regulations.

(3) This subsection applies to off-street parking places operated as “park and ride” or “park and share” parking places.

(4) The statutory provisions set out in Schedule 2 have effect subject to the amendments specified in that Schedule (being amendments for giving effect to the transfer effected by this section).

(5) A transfer of functions under this section does not affect the validity of anything done by, or in relation to, the Department before the commencement of this section.

(6) Anything which—

(a) before the commencement of this section was done by, or in relation to, the Department for the purposes of, or otherwise in connection with, any function transferred to a council by this section, and

(b) is in effect immediately before the commencement of this section,

is to be treated as if it had been done by, or in relation to, that council.

(7) There may be continued by, or in relation to, a council anything (including legal proceedings)—

(a) which relates to any function transferred by this section to that council, and

(b) which is in the process of being done by, or in relation to, the Department immediately before the commencement of this section.

(8) In any document—

- (a) which relates to any function transferred by this section to a council, and
- (b) which is in effect immediately before the commencement of this section,

any reference to the Department is to be read as a reference to that council.

(9) In this section “parking place” and “off-street parking place” have the same meaning as in the Road Traffic Regulation (Northern Ireland) Order 1997.

Functions of councils in relation to road races [j5]

3. The Road Races (Northern Ireland) Order 1986 (NI 17) has effect subject to the amendments specified in Schedule 3 (being amendments for conferring on a council power to make orders in relation to races on roads in the district of that council and certain other roads and related amendments).

Functions of councils in relation to authorisations under extinguishment orders [j4]

4.—(1) This section applies in relation to any order which—

- (a) was made under Article 100(1) of the Planning (Northern Ireland) Order 1991 (NI 11) or Article 77(1) of the Planning (Northern Ireland) Order 1972 (NI 17) extinguishing a right to use vehicles on any road;
- (b) is in force immediately before the commencement of this section in relation to that road; and
- (c) confers power on an officer of the Department (by whatever description) to give an authorisation exempting the use of a vehicle from any provision of the order relating to that road.

(2) As from the commencement of this section an order to which this section applies shall have effect as if—

- (a) the power mentioned in subsection (1)(c) were exercisable by an officer of the council for the district in which the road in question is situated (instead of by an officer of the Department); and
- (b) any authorisation given in exercise of that power and in force immediately before that commencement were given by an officer of that council.

Supplementary

Repeals [j1a]

5. The statutory provisions set out in Schedule 4 are repealed to the extent specified in the second column of that Schedule.

Commencement [j2]

6.—(1) The preceding provisions of this Act (with the Schedules) come into operation on such day or days as the Department may by order appoint.

(2) An order under subsection (1) may contain such transitional or saving provisions as the Department considers necessary or expedient.

Interpretation [j1]

7. In this Act—

“council” means a district council;

“the Department” means the Department for Regional Development.

Short title [j3]

8. This Act may be cited as the Roads (Functions of District Councils) Act (Northern Ireland) 2010.

SCHEDULES

SCHEDULE 1

Section 1.

AMENDMENTS RELATING TO TRANSFER OF FUNCTIONS UNDER THE TRAFFIC
MANAGEMENT (NORTHERN IRELAND) ORDER 2005 [S2]

The Roads (Northern Ireland Order 1993 (NI 15)

1. In Article 110(1) (acquisition of land by Department) for “the Road Traffic Regulation (Northern Ireland) Order 1997 or the Traffic Management (Northern Ireland) Order 2005” substitute “or the Road Traffic Regulation (Northern Ireland) Order 1997”.

2. In Article 118(1) (information as to ownership of land) for “the Road Traffic Regulation (Northern Ireland) Order 1997 or the Traffic Management (Northern Ireland) Order 2005” substitute “or the Road Traffic Regulation (Northern Ireland) Order 1997”.

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

3.—(1) Article 52 (disposal of abandoned vehicles) is amended as follows.

(2) In paragraph (1) omit “or of Article 21 of the Traffic Management (Northern Ireland) Order 2005”.

(3) In paragraph (4)(b) for “the relevant charges” substitute “such sums as may reasonably have been incurred in respect of the removal and storage of the vehicle”.

(4) In paragraph (5) for “relevant charges” substitute “reasonable costs of the removal, storage and disposal of the vehicle”.

(5) Omit paragraph (7).

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

4.—(1) Article 2 (interpretation) is amended as follows.

(2) In paragraph (2)—

(a) after the definition of “charge certificate” insert—

“ “the council”—

(a) in relation to any contravention specified in Schedule 1, means the district council for the district in which the contravention occurs;

(b) in relation to a stationary vehicle, means the district council for the district in which the vehicle is stationary;

(b) in the definition of “notice of rejection” for “Department” (wherever it occurs) substitute “council”.

SCH. 1 (3) In paragraph (4) for “Department” substitute “council”.

5.—(1) Article 3 (traffic attendants) is amended as follows.

(2) In paragraph (1) for “The Department” substitute “A council” and after “enforcement” insert “in its district”.

(3) In paragraphs (2) and (3) for “Department” (wherever it occurs) substitute “council”.

6.—(1) Subject to sub-paragraph (2), in Articles 5 to 28 for “Department” (wherever it occurs) substitute “council”.

(2) Sub-paragraph (1) does not apply to—

- (a) Article 8(3) and (4);
- (b) Article 18(6);
- (c) Article 21(8);
- (d) Article 24(1).

7. In Article 28(1) for “Department’s” substitute “council’s”.

8. In Article 31(2) for “The Department shall” substitute “Councils shall, in accordance with arrangements made by the Department,”

9. For Article 38 substitute—

“Acquisition of land by council

38. A council may acquire land otherwise than by agreement for the purposes of its functions under this Order.”.

10. Article 40 is repealed.

SCHEDULE 2

AMENDMENTS RELATING TO TRANSFER OF FUNCTIONS UNDER PART 4 OF THE ROAD TRAFFIC REGULATION (NORTHERN IRELAND) ORDER 1997 [S3]

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

1. At the beginning of Part 4 insert the following Article—

“Parking places - introductory

Section 2. 9A.—(1) In this Part “parking authority” means—

- (a) in relation to parking places other than those to which paragraph (2) applies, the district council for the district in which the parking places are situated;
- (b) in relation to parking places to which paragraph (2) applies, the Department.

(2) This paragraph applies to off-street parking places operated as “park and ride” or “park and share” parking places.”.

2.—(1) Subject to sub-paragraph (2), in Articles 10 to 27 for “Department” (wherever it occurs) substitute “parking authority”.

(2) Sub-paragraph (1) does not apply to—

SCH. 2

- (a) Article 10(4) and (6);
- (b) Article 15(1) to (3);
- (c) Article 19(9);
- (d) Article 21(1) and (5);
- (e) Schedule 4.

3.—(1) In Article 10 after paragraph (2) insert—

“(2A) A district council may acquire by agreement or compulsorily any land required for the purposes of providing parking places under this Article.”.

(2) In Article 10(3) (provision of parking places) after “acquire” insert “under paragraph (2A) (in the case of a district council) or (in the case of the Department)”.

4. In Article 12(1)(c) omit “if it is not a public road”.

5. In Articles 15(1)(c) and 21(1) for “impose charges” substitute “make provision for the imposition by councils of charges”.
6. In Article 19(9) after “Department” insert “or a district council”.
7. In Article 26 (apparatus)—
 - (a) paragraph (2)(b) is repealed; and
 - (b) after paragraph (2) insert—

“(2A) A district council may, with the consent of the Department, erect, maintain and operate any such apparatus 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.”.
8. In Article 52(1) (disposal of abandoned vehicles) omit “or 15”.
9. In Article 54(1) (recovery of expenses) omit “or 15”.
- 10.—(1) Schedule 4 (orders under Articles 10, 13 and 15) is amended as follows.
 - (2) In paragraphs 1, 5 and 6 for “10, 13 or 15” substitute “10 or 15”.
 - (3) In paragraph 7 for “13 or 15” substitute “15”.
 - (4) At the end insert—

“8. Paragraphs 1 to 7 apply in relation to orders under Article 13 as they apply in relation to orders under Article 15, but with the substitution for references to the Department of references to the parking authority.

SCHEDULE 3

AMENDMENTS TO THE ROAD RACES (NORTHERN IRELAND) ORDER 1986 [S1]

1. The Road Races (Northern Ireland) Order 1986 (NI 17) is amended as follows.
- SCH. 3 2. In Article 2(2) (interpretation)—
 - (a) omit the definition of “the Department”;
 - (b) before the definition of “hill climbing competition” insert—

“ “council” means a district council;”.
3. In Article 3 (orders authorising motor races) for paragraphs (1) to (8) substitute—

“(1) Subject to the following provisions of this Article, the relevant council may, on the application of the promoter of a motor race, by order declare that any roads specified in the order may be used for or in connection with a motor race during the whole or any part of any days so specified.

 - (1A) The relevant council, in relation to a motor race, is—
 - (a) in the case of a race held entirely on roads situated in the district of one council, that council;
 - (b) in the case of a race held on roads situated in the districts of two or more councils, the council for the district in which the race begins.
 - (1B) In the case of a motor race which is held partly in Northern Ireland and partly elsewhere—
 - (a) any reference to a motor race is a reference to so much of the race as is held in Northern Ireland; and
 - (b) any reference to the district where the motor race begins is a reference to the district in which so much of the race as is held in Northern Ireland begins.

Section 3.

(2) Subject to paragraph (9), the relevant council shall not make an order under this Article in any calendar year, unless it receives an application for such an order and grants that application not later than 31st March in that year.

(3) Subject to paragraph (9), not more than 10 orders shall be made in any calendar year under this Article (including orders made under this Article as modified by the Schedule).

(4) Notwithstanding paragraphs (1) to (3), a road shall not be used for or in connection with motor races on more than three days in any calendar year.

(5) An order under this Article—

- (a) requires the consent of the Department of Culture, Arts and Leisure;
- (b) if made by a council by virtue of sub-paragraph (b) of paragraph (1A) requires the consent of any other council mentioned in that sub-paragraph;
- (c) which provides for a trunk road to be used for or in connection with motor races requires the consent of the Department for Regional Development.

(6) An order under this Article—

SCH. 3

- (a) may contain such provisions as the relevant council considers appropriate for securing the proper conduct of any motor races and for incidental purposes;
- (b) shall in particular include provisions—
 - (i) requiring the promoter to secure such insurance and indemnities against such risks, liabilities, injuries and damage as may be specified in the order;
 - (ii) suspending the right of way over any specified road;
 - (iii) prohibiting, restricting or regulating traffic on any specified road.

(7) An order under this Article may in particular include provision prohibiting, restricting or regulating traffic on any road other than a specified road if it appears to the relevant authority that the prohibition, restriction or regulation will facilitate the control of traffic and spectators at any motor race.

(7A) The Department of Culture, Arts and Leisure may by regulations subject to negative resolution make provision concerning orders under this Article, including in particular provision—

- (a) prescribing the procedure which a council must follow in making an order under this Article;
- (b) specifying any person whom, and the manner in which, the council must consult before making such an order.

(8) The relevant council shall secure that such public notice of the provisions of an order made under this Article is given as the relevant council considers appropriate to bring the effect of the order to the attention of the public.”

4. In Article 7 (expenses) for “Department” (wherever it occurs) substitute “relevant council”.

5.—(1) The Schedule (special provisions with respect to the Dundrod Circuit) is amended as follows.

(2) In paragraph (1) in paragraph (b) of the definition of “the Dundrod Circuit” for “Department” substitute “Council”.

(3) In paragraph (1) after the definition of “the race area” insert—

“ “the Council” means the council for the district in which the Dundrod Circuit is situated;”.

(4) In paragraph 3(3) the two inserted paragraphs are renumbered as paragraphs (7AA) and (7AB) respectively and in the inserted paragraph (7AA)(b) for “Department” substitute “Department for Culture, Arts and Leisure”.

Section 5 (5) In paragraph 4(2), in the inserted paragraph (2A), for “Department” substitute “Council”.

SCH. 3 (6) In paragraph 5 for “Lisburn Borough Council” and “that Council” (wherever it occurs) substitute “the Council”.

SCHEDULE 4

REPEALS [S1]

Short Title	Extent of repeal
<p>The Road Traffic Regulation (Northern Ireland) Order 1997 (NI 2)</p>	<p>In Article 12(1)(c) the words “if it is not a public road”.</p> <p>Article 26(2)(b) and the word “or” immediately before it.</p> <p>In Article 52(1) the words “or 15 or of Article 21 of the Traffic Management (Northern Ireland) Order 2005”.</p> <p>In Article 54(1) the words “or 15”.</p> <p>Article 52(7).</p>
<p>The Traffic Management (Northern Ireland) Order 2005 (NI 14)</p>	<p>Article 40.</p>

Appendix 2: Explanation of the Main Provisions

Clause 1: Transfer to councils of functions in relation to enforcement of parking and other traffic restrictions

1. Powers are being created to enable district councils to carry out enforcement functions, presently exercised by the Department under the Traffic Management Order 2005, in relation to parking contraventions and other stationary offences. When the Review of Public Administration has been implemented this would mean that councils will become responsible for parking attendants and for issuing penalty charge notices, etc. The Department would retain responsibility for type approval of prescribed devices, making regulations and for the management of kerb space.
2. Clause 1 and Schedule 1 make provision for:-
 - the transfer of the necessary functions from the Department to the new councils;
 - transitional arrangements; and,
 - any functions that would remain with the Department.

Clause 2: Transfer to councils of certain functions in relation to parking places

3. The majority of off-street car parks provided by the Department, and the land on which they are situated, would transfer to district councils. Councils would subsequently be responsible for their future management and would be enabled to acquire land for the future

provision of such parking places. The Department would, however, continue to provide and operate off-street car parks for “park and ride” and “park and share” schemes and to make regulations under the Road Traffic Regulation Order 1997.

4. Clause 2 and Schedule 2 make provision for the transfer of the necessary functions relating to parking places from the Department to the new councils. Clause 2 also contains transitional arrangements and identifies other functions that would remain with the Department.

***Clause 3: Functions of councils in relation to road races.
(Authorisation of local events on roads)***

5. The Road Races Order 1986 (“the 1986 Order”) provides for the authorisation of motor races on public roads. It stipulates that the maximum number of races which may be held each year is 10.
6. Clause 3 and Schedule 3 of the Bill propose to amend the 1986 Order to provide powers for district councils to authorise road races and to make the necessary road closure orders to facilitate them. The district council in whose area a race starts would be the council to make the necessary road closure order.
7. The Department for Culture, Arts and Leisure, being responsible for sporting policy, would have the future legislative responsibility for the Road Races Order and would ensure that the statutory maximum number of races is not exceeded.

Clause 4: Functions of councils in relation to authorisations under extinguishment orders.

8. The Planning Order 1991 enables orders (extinguishment orders) to be made to extinguish rights to use vehicles on roads to improve the amenity of an area. Where such an extinguishment order is made, the area to which it refers becomes a pedestrian zone. The making and administration of extinguishment orders are the responsibility of the Department.
9. Using powers under Article 100(2) of the Order the Department's Roads Service, may from time to time, issue special authorisations permitting vehicles to enter pedestrian zones, notwithstanding the fact that an extinguishment order has been made.
10. Clause 4 provides for any of the powers exercised, or authorisations given, by the Department prior to the coming into effect of Clause 4, to have effect as if they were exercised by an officer of a council. Consequently the issuing and administration of special authorisations will become the responsibility of district councils.
11. The power to make extinguishment orders will remain with the Department.

Clause 5: Repeals

12. Clause 5 and Schedule 4 identify repeals considered necessary as a result of making the Bill.

Clause 6: Commencement

13. Clause 6 enables the Department to bring the main arrangements of the Bill into effect on different dates. This would ensure that any necessary arrangements in respect of administration etc., are developed and put into place before the provision becomes operational.

Clause 7: Interpretation

14. Clause 7 contains definitions used throughout the Bill

Clause 8: Short Title

15. This Clause contains a short title for the Bill.

SCHEDULES

Schedule 1: Amendments relating to transfer of functions under the Traffic Management (Northern Ireland) Order 2005

This Schedule contains amendments to other roads-related legislation to give effect to the transfer of functions to district councils contained in Clause 1.

Schedule 2: Amendments relating to transfer of functions under Part 4 of the Road Traffic Regulation (Northern Ireland) Order 1997

This Schedule contains amendments to the Road Traffic Regulation (Northern Ireland) Order 1997 to give effect to the functions transferred to district councils by Clause 2.

Schedule 3: Amendments to the Road Races (Northern Ireland) Order 1986

Schedule 3 contains amendments to the 1986 Order to confer powers on district councils to make orders in respect of road races within their council areas and certain other roads.

Schedule 4: Repeals

This Schedule lists the repeals brought in by the Bill.

Appendix 3: Freedom of Information Act 2000 – Confidentiality

1. The Freedom of Information Act gives the public a right of access to any information held by a public authority, namely, the Department in this case. This right of access to information includes information provided in response to a consultation. The Department cannot automatically consider as confidential any information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity, should be made public or treated as confidential.

2. This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances. The Lord Chancellor's Code of Practice on the Freedom of Information Act provides that:
 - the Department should only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of the Department's functions and it would not otherwise be provided;

 - the Department should not agree to hold information received from third parties 'in confidence' which is not confidential in nature; and

- acceptance by the Department of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.
3. For further information about confidentiality of responses please contact the Information Commissioner's Office at 51 Adelaide Street, Belfast BT2 8FE (telephone 028 9026 9380) or see their website at: www.ico.gov.uk).

Appendix 4: List of Consultees

The following individuals/organisations have been contacted to make them aware of the consultation and inviting them to comment if they so wish. The list includes key stakeholders who it is considered would be particularly interested in the content of the consultation; government and public bodies; and organisations representing the business, voluntary and community sectors.

2&4 Wheels

All Government Departments

All Northern Ireland District Councils

All MLAs

All NI Members of Parliament

All NI Members of European Parliament

All Northern Ireland Political Parties

Abacus Professional Recruitment

Age Concern Northern Ireland

Age Sector Platform

Altnagelvin HSS Trust

Amalgamated Engineering and Electrical Union

AMICUS

An Munia Tober

Antrim Borough Partnership

Ards Partnership

Armagh City and District Partnership

Association of Chief Officers of Voluntary Organisations (ACOVO)

Association of Northern Ireland Car Clubs

Bahai's Office for NI

Ballymoney District Partnership
Barnardos NI
Barnardos Tuar Ceatha Project
Belfast Butterfly Club
Belfast Education and Library Board
Belfast Harbour
Belfast Health and Social Care Trust
Belfast Healthy Cities Project
Belfast Hebrew Congregation
Belfast International Airport
Belfast Solicitor's Association
British Association for Shooting and Conservation
British Deaf Association (NI)
Bryson House
BT
Cara-friend
CARE in Northern Ireland
Carers Northern Ireland
Carlingford Lough Commission
Castlereagh Partnership for Peace & Reconciliation
Catholic Bishops of Northern Ireland
Cedar Foundation
Child Poverty Action Group
Children in Northern Ireland
Children's Law Centre
Chinese Welfare Association
Chrysalis Women's Centre
Church of Ireland
Citizens Advice Bureau

City of Derry Airport
Civil Law Reform Division
Coalition on Sexual Orientation
Coiste-na n-iarchimi
Coleraine Borough Strategic Partnership
Coleraine Harbour
Commissioner for Children and Young People
Committee on the Administration of Justice
Community Development and Health Network
The Community Foundation
Community Places
Community Relations Council
Community Transport Association
Confederation of British Industry
Concordia Partnership for Progress
Conservation Volunteers Northern Ireland
Consumer Council for NI
Cookstown District Partnership
Co-ownership Housing Association
Council of County Court Judges
Council for Nature Conservation and the Countryside
Craigavon District Partnership
Cruse Bereavement Care (NI)
Derry Well Woman
Disability Action
District Partnership for Derry City
Down District Partnership
Down's Syndrome Association
Eastern Health and Social Services Board

Economic Research Institute of Northern Ireland
Employers' Forum on Disability
Equality Commission for NI
Equality Forum NI
Falls Community Council
Falls Women Centre
Federation of Small Businesses
First Division Civil Servants' Association
Food Standards Agency
Foyle Women's Network
Foyle Women's Information Network
FPA NI
Friends of the Earth
Gay and Lesbian Youth (NI)
General Consumer Council
George Best Belfast City Airport
Gingerbread NI
Green Park HSS Trust
Guide Dogs
Health and Safety Executive for Northern Ireland
Help the Aged (NI)
Human Rights Commission
IMTAC
Indian Community Centre
Inland Revenue
Inland Waterways Northern Ireland
Institute of Directors
Institute of Professional Legal Studies (QUB)
Institution of Highways and Transportation

Invest Northern Ireland
Irish Congress of Trade Unions (NI Committee)
Irish & Local Studies Department, Central Library
Irish Transport Trust
Larne District Partnership
Larne Harbour
Law Centre (NI)
Law Society of Northern Ireland
Lesbian Line
Limavady District Partnership
Local Government Staff Commission for Northern Ireland
Londonderry Harbour Office
Lower North Belfast Community Council
Magherafelt Area Partnership Ltd
Magherafelt Women's Group
MENCAP
Methodist Church in Ireland
Mid-Ulster Women's Network
Mobilise NI
Motor Cycle Union for Ireland (Ulster Centre) Ltd
Moyle District Partnership
Multi-Cultural Resource Centre
National Energy Action
Newry & Mourne Peace & Reconciliation Partnership
Newry & Mourne Senior Citizens' Consortium
Newry & Mourne Women Ltd
Newtownabbey Local Strategic Partnership
NI 2000
NIACRO

NI Bird Watchers' Association
NI Cycling Initiative
NIE
NI Environment Link
NI Islamic Centre
NI Women's Aid Federation
NI Women's Coalition
North Down District Partnership
North Eastern Education and Library Board
North West Community Network
North West Forum of People with Disabilities
Northern Health and Social Care Trust
Northern Health and Social Services Board
Northern Ireland Ambulance Service
Northern Ireland African Culture Centre
Northern Ireland Anti-Poverty Network
Northern Ireland Assembly
Northern Ireland Association for Mental Health
Northern Ireland Association of Citizens' Advice Bureaux
Northern Ireland Chamber of Commerce and Industry
Northern Ireland Chamber of Trade
Northern Ireland Chest, Heart and Stroke Association
Northern Ireland Commissioner for Children and Young People (NICCY)
Northern Ireland Council for Ethnic Equality
Northern Ireland Council for Ethnic Minorities
Northern Ireland Council for Voluntary Action
Northern Ireland Court Service
Northern Ireland Gay Rights Association
Northern Ireland Human Rights Commission

Northern Ireland Law Commission
Northern Ireland Local Government Association
Northern Ireland Office (Human Rights & Equality Unit)
Northern Ireland Public Service Alliance
Northern Ireland Resident Magistrates' Association
Northern Ireland Rural Women's Network
Northern Ireland Statistics and Research Agency
Northern Ireland Tourist Board
Northern Ireland Transport Holding Company
Northern Ireland Walking Forum
Northern Ireland Women's European Platform
NSPCC
NTL Cable Tel
NUS-USI
Office of the Archbishop of Armagh
Omagh Women's Area Network
The Omnibus Partnership
Parents' Advice Centre
Parents and Professionals and Autism
Participation and the Practice of Rights Project
The Participation Network
Peace and Reconciliation Partnership, Ballymena
Phoenix Gas
POBAL
Police Service of Northern Ireland
Polish Association NI
Presbyterian Church in Ireland
Press for Change
Protestant, Unionist, Loyalist Network

Quarry Products Association
Queer Space
Rainbow Project
Relate NI
RNIB (NI)
Road Safety Council for Northern Ireland
Royal Group of Hospitals
Royal National Institute of Blind People
Royal National Institute for the Deaf (NI)
Rural Community Network
Rural Development Council
Rural Support
Save the Children
School of Law, Queens University
School of Law, University of Ulster
Sense NI
Sikh Cultural Centre
Southern Education and Library Board
Southern Health and Social Care Trust
South Eastern Education and Library Board
South Eastern Health and Social Care Trust
South Tyrone Empowerment Programme
Sperrin Lakeland Senior Citizens' Consortium
Sport Northern Ireland
Staff Commission for Education and Library Boards
St. Angelo Airport
Strabane District Partnership
Sustainable Northern Ireland
Sustainable Organic Living Environment

SUSTRANS

Training for Women Network

Translink

Transport 2000

Travellers' Movement NI

Ulster Archaeological Society

Ulster Scots Heritage Council

Ulster Society for the Protection of the Countryside

Ulster Wildlife Trust

ULTACH

Union of Construction, Allied Trades and Technology

UNISON

Warrenpoint Harbour

Western Education and Library Board

Western Health and Social Care Trust

Western Health and Social Services Board

Wildfowl and Wetlands Trust

The Women's Centre

Women's Forum

Women's Forum Northern Ireland

Women's Information Group

Women's Resource and Development Agency

Women's Support Network

World Wide Fund for Nature

Youth Council for NI

Youthnet

Mr A Arlow, Newcastle

Ms O'Kane, Londonderry