

These notes refer to the Roads (Miscellaneous Provisions) Act (Northern Ireland) 2010 (c.14) which received Royal Assent on 13 August 2010

Roads (Miscellaneous Provisions) Act (Northern Ireland) 2010

EXPLANATORY NOTES

COMMENTARY ON SECTIONS OF THE ACT

The Act contains 10 sections and 3 schedules. A commentary on them follows.

Section 1: Meaning of permit scheme

This section defines a permit scheme and outlines arrangements relating to permits that may be contained within such a scheme. For example, a scheme may prescribe the circumstances under which a permit is, or is not, required for the execution of works on roads and what conditions may be attached to a permit issued under such a scheme.

Section 2: Making, variation and revocation of schemes

Under this section, the Department may bring a permit scheme into operation, or change or revoke it, by order. Permit schemes must comply with any permit regulations made under section 3.

Section 3: Permit regulations

This section provides for the Department to make regulations concerning the content of schemes and the procedures to be followed in the making and operation of them. Regulations may, for example, make provision for offences and for fees payable in relation to the application for, or issue of, a permit and for the giving of fixed penalty notices.

Section 6: Prohibition or restriction of use of public roads in connection with special events

This section and schedule 1 provide a procedure enabling relevant authorities, with the consent of the Department, to close roads or restrict traffic using them to facilitate special events taking place on roads. Schedule 1 introduces those arrangements and inserts a new schedule 3A setting out the arrangements into the Road Traffic Regulation (Northern Ireland) Order 1997.

Schedule 1:

Paragraph 1 defines key phrases used in the schedule. It establishes which public authority ('the relevant authority') is responsible for authorising special events on roads: the Department may authorise the closure or restriction of special roads (usually motorways); local councils may, with the Department's consent, authorise the closure or restriction of all other public roads for special events to be held in their jurisdiction. While the term 'special event' is defined, other types of events that are not 'special events' are also identified.

Paragraph 2 sets out the circumstances under which an application to close or restrict traffic using a road for a special event may be approved. The Department, or a local council, may impose conditions on the event promoter. For example, a promoter would be required to obtain public liability insurance and to erect diversionary signs. Existing statutory provisions on the affected road may be changed or suspended for the duration of the event.

Paragraph 3 sets out the procedure to be observed by the relevant authority in making an order.

Paragraph 4 provides a discretionary power for authorities to recover their costs.

Paragraph 5 enables the Department to issue guidance for the information of councils and event promoters.

Paragraph 6 provides that it will be an offence to contravene a road closure or restriction, or for an event promoter to fail to comply with any condition imposed by the relevant authority. As set out in paragraph 5 of schedule 2, offences are to be prosecuted summarily with, respectively, a maximum fine of level 3 on the standard scale of fines (currently £1,000) and level 2 (currently £500) on the standard scale.

Schedule 2

This schedule sets out minor and consequential amendments required to other legislation as a result of the introduction of the Act.

Schedule 3

This paragraph identifies other legislative provision that will be repealed. It includes Article 12A of the Street Works (Northern Ireland) Order 1995 and Article 3 of the Street Works (Amendment) (Northern Ireland) Order 2007, which presently enable the Department to make a permit scheme in respect of street works on roads.