
STATUTORY INSTRUMENTS

1995 No. 3210

The Street Works (Northern Ireland) Order 1995

Notice and co-ordination of works

Restriction on works following substantial road works

18.—(1) Where it is proposed to carry out substantial road works in a street, the street authority may by notice in accordance with this Article restrict the execution of street works during the 12 months following the completion of those works.

For this purpose substantial road works means works for road purposes, or such works together with other works, of such description as may be prescribed.

(2) The notice shall be published in the prescribed manner and shall specify the nature and location of the proposed works, the date (not being less than 3 months after the notice is published, or first published) on which it is proposed to begin the works, and the extent of the restriction.

(3) A copy of the notice shall be given to each of the following—

- (a) where there is a public sewer in the part of the street to which the restriction relates, the Department,
 - (b) where the part of the street to which the restriction relates is carried or crossed by a bridge vested in a transport authority, or crosses or is crossed by any other property held or used for the purposes of a transport authority, that authority,
 - (c) where in any other case the part of the street to which the restriction relates is carried or crossed by a bridge, the bridge authority,
 - (d) any person who has given notice under Article 14 (advance notice of certain works) of his intention to execute street works in the part of the street to which the restriction relates, and
 - (e) any other person having apparatus in the part of the street to which the restriction relates;
- but a failure to do so does not affect the validity of the restriction imposed by the notice.

(4) A notice ceases to be effective if the works to which it relates are not substantially begun—

- (a) on or within one month from the date specified in the notice, or
- (b) where street works are in progress on that date in the part of the street to which the restriction relates, within one month from the completion of those works.

(5) An undertaker shall not in contravention of a restriction imposed by a notice under this Article break up or open the part of the street to which the restriction relates, except—

- (a) to execute emergency works,
- (b) with the consent of the street authority, or
- (c) in such other cases as may be prescribed.

(6) If he does—

- (a) he commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale, and

(b) he is liable to reimburse the street authority any costs reasonably incurred by it in reinstating the street.

(7) The consent of the street authority under paragraph (5)(b) shall not be unreasonably withheld; and any question whether the withholding of consent is unreasonable shall be settled by arbitration.

(8) An undertaker shall be taken not to have failed to fulfil any statutory duty to afford a supply or service if, or to the extent that, his failure is attributable to a restriction imposed by a notice under this Article.