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STATUTORY INSTRUMENTS

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**1995 No. 3210**

**The Street Works (Northern Ireland) Order 1995**

*Provisions with respect to particular authorities and undertakings*

**Prospective roads**

**46.**—(1) Where the Department is satisfied that a street is likely to become maintainable by the Department, it may make a declaration to that effect.

(2) The declaration shall be included among the matters which are required to be registered in the Statutory Charges Register.

(3) The provisions of this Order apply to a street in respect of which such a declaration has been made and registered in the Statutory Charges Register as they apply to a road.

(4) In relation to street works in such a street, the Department—

- (a) shall secure the performance by undertakers of their duties under this Order, and shall exercise its powers under this Order, in such manner as is reasonably required for the protection of the street managers; and
- (b) shall comply with any reasonable request as to securing performance of those duties, or as to the exercise of those powers, which may be made by the street managers.

**Duties of undertaker in relation to bridge authority**

**47.**—(1) An undertaker proposing to execute street works affecting the structure of a bridge shall consult the bridge authority before giving notice under Article 15 (notice of starting date) in relation to the works.

(2) An undertaker executing such works shall take all reasonably practicable steps—

- (a) to give the bridge authority reasonable facilities for monitoring the execution of the works, and
- (b) to comply with any requirement made by the bridge authority which is reasonably necessary for the protection of the bridge or for securing access to it.

(3) An undertaker who fails to comply with paragraph (1) or (2) commits an offence in respect of each failure and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(4) This Article does not apply to works in relation to which Schedule 2 applies (works in streets with special engineering difficulties).

**Duty of undertaker in relation to sewer authority**

**48.**—(1) An undertaker proposing to execute street works affecting a public sewer shall consult the Department before giving notice under Article 15 (notice of starting date) in relation to the works.

(2) Article 29 (provisions as to works likely to affect other apparatus in the street) does not apply by virtue of Article 9(2) in relation to works likely to affect a public sewer if, or to the extent that, Schedule 2 (works in streets with special engineering difficulties) applies.

### **Provisions as to reinstatement of sewers, drains or tunnels.**

**49.**—(1) The duties of an undertaker under this Order with respect to reinstatement of the street extend, in the case of street works which involve breaking up or opening a sewer, drain or tunnel, to the reinstatement of the sewer, drain or tunnel.

(2) The responsible authority may by notice require an undertaker who has failed to comply with his duties under this Order with respect to reinstatement to carry out the necessary remedial works within such period of not less than 7 working days as may be specified in the notice.

If he fails to comply with the notice, the authority may carry out the necessary works and recover from him the costs reasonably incurred by it in doing so.

(3) If it appears to the responsible authority that a failure by an undertaker to comply with his duties under this Order as to reinstatement is causing danger to users of the street, the authority may carry out the necessary works without first giving notice and may recover from him the costs reasonably incurred by it in doing so.

The authority shall, however, give notice to him as soon as reasonably practicable stating its reasons for taking immediate action.

(4) The responsible authority for the purposes of this Article is—

- (a) in the case of a public sewer, the Department, and
- (b) in the case of any other sewer, drain or tunnel, the authority, body or person having the management or control of it.

### **Special precautions as to displaying of lights**

**50.**—(1) An undertaker executing street works in a street which crosses, or is crossed by, or is in the vicinity of, a railway, tramway, dock, harbour, pier, canal or inland navigation, shall comply with any reasonable requirements imposed by the transport authority concerned with respect to the displaying of lights so as to avoid any risk of their—

- (a) being mistaken for any signal light or other light used for controlling, directing or securing the safety of traffic thereon, or
- (b) being a hindrance to the ready interpretation of any such signal or other light.

(2) An undertaker who fails to comply with any such requirement commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) In proceedings for such an offence it is a defence for the undertaker to show that all reasonable care was taken by him, and by his contractors and by persons in his employ or that of his contractors, to secure that no such failure occurred.

### **Works affecting level crossings or tramways**

**51.**—(1) This Article applies to street works at a crossing of a railway on the level or which affect a tramway.

In this Article “the relevant transport authority” means the authority having the management of the railway or tramway undertaking concerned.

(2) An undertaker proposing to begin to execute works to which this Article applies shall give the prescribed notice to the relevant transport authority notwithstanding that such notice is not required under Article 15 (notice of starting date).

The provisions of paragraphs (2) to (7) of that Article (contents of notice when works may be begun, &c) apply in relation to the notice required by this paragraph as in relation to a notice under paragraph (1) of that Article.

(3) An undertaker executing works to which this Article applies shall comply with any reasonable requirements made by the relevant transport authority—

- (a) for securing the safety of persons employed in connection with the works, or
- (b) for securing that interference with traffic on the railway or tramway caused by the execution of works is reduced so far as is practicable;

and, except where submission of a plan and section is required, he shall defer beginning the works for such further period as the relevant transport authority may reasonably request as needed for formulating its requirements under this paragraph or making its traffic arrangements.

(4) Nothing in paragraph (2) or (3) affects the right of an undertaker to execute emergency works.

(5) An undertaker executing emergency works shall give notice to the relevant transport authority as soon as reasonably practicable of his intention or, as the case may be, of his having begun to do so notwithstanding that such notice is not required by Article 17 (notice of emergency works).

The provisions of paragraphs (3) and (4) of that Article (contents of notice and penalty for failure to give notice) apply in relation to the notice required by this paragraph as in relation to a notice under paragraph (2) of that Article.