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STATUTORY INSTRUMENTS

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**2007 No. 287**

**The Street Works (Amendment) (Northern Ireland) Order 2007**

*Enforcement*

**Increase of fines for certain summary offences under 1995 Order**

**25.**—(1) The maximum fine for an offence under each of the following provisions of the 1995 Order is increased from level 3 on the standard scale to level 4 on that scale and accordingly in each of those provisions for “level 3” there is substituted “ level 4 ”

- (a) Article 14(4) (failure to comply with duties under Art. 14 (advance notice of certain works, etc.));
- (b) Article 15(5) (beginning to execute works in contravention of Art. 15 (notice of starting date of works));
- (c) Article 17(4) (failure to give notice in accordance with Art. 17 (notice of emergency works));
- (d) Article 28(2) (failure by undertaker to afford street authority with reasonable facilities for ascertaining whether he is complying with his duties under the Order);
- (e) Article 29(2) (failure to comply with Art. 29(1) (requirements relating to street works likely to affect another person's apparatus in the street));
- (f) Article 40(4) (failure to comply with Art. 40(1) (duty to inform other undertaker of location of certain apparatus) or requirements imposed under Art. 40(2) (duties applicable where ownership of certain apparatus cannot be ascertained));
- (g) Article 43(3) (failure by authority to comply with Art. 43(2) (requirements relating to certain road works likely to affect apparatus in the street));
- (h) Schedule 1, paragraph 5(3) (failure to comply with obligation under paragraph 5 (obligations to give notice to street authority)).

(2) The maximum fine for an offence under each of the following provisions of the 1995 Order is increased from level 3 on the standard scale to level 5 on that scale and accordingly in each of those provisions for “level 3” there is substituted “ level 5 ”

- (a) Article 12(2) (offence under Art. 12(1) (prohibition of unauthorised street works));
- (b) Article 16(3) (execution of works in contravention of direction under Art. 16 (directions as to timing of street works));
- (c) Article 18(6)(a) (carrying out works in contravention of a restriction imposed under Art. 18 (restriction on works following substantial road works));
- (d) Article 20(3) (failure to comply with duty under Art. 20(1) (general duty of undertakers to co-operate));
- (e) Article 25(4) (failure to comply with Art. 25(1) or (2) (safety measures));
- (f) Article 25(6) (interference with safety measures taken by undertaker);
- (g) Article 26(2) (failure to comply with Art. 26(1) (duty to carry on and complete certain street works with all reasonably practicable dispatch));

- (h) Article 27(3) (failure to comply with Art. 27(1), (2) or (2C) (duties relating to the use of qualified supervisors and operatives));
  - (i) Article 31(4) (failure to comply with duties under Art. 31 (prescribed requirements as to materials and workmanship and performance standards for reinstatements));
  - (j) Article 39(4) (failure to comply with duties under Art. 39(1) to (3) (records of location of apparatus));
  - (k) Article 50(2) (failure to comply with a special requirement as to the displaying of lights imposed by a transport authority under Art. 50(1));
  - (l) Schedule 2, paragraph 6 (execution of works in street with special engineering difficulties in contravention of paragraph 2 (requirement for agreed plan and section before executing works) or paragraph 3 (requirement to furnish plan and section after emergency works));
  - (m) Schedule 2, paragraph 12(5) (failure to execute works in such a street in accordance with a direction under paragraph 12);
  - (n) Schedule 2, paragraph 13(2) (failure to comply with paragraph 13(1) (requirement to execute works in such a street in accordance with plan or agreed modification)).
- (3) In Article 30(6) of the 1995 Order (failure to comply with Art.30 (duty to reinstate)) for the words from “to a” to the end there is substituted—
- “(a) in the case of an offence consisting of a failure to comply with paragraph (3) or (4A), to a fine not exceeding level 4 on the standard scale; and
  - (b) in any other case, to a fine not exceeding level 5 on that scale.”.
- (4) In Article 47(3) of the 1995 Order (failure to comply with duties relating to street works affecting the structure of a bridge) for the words from “to a” to the end there is substituted—
- “(a) in the case of an offence consisting of a failure to take all reasonably practicable steps to comply with paragraph (2)(a), to a fine not exceeding level 4 on the standard scale; and
  - (b) in any other case, to a fine not exceeding level 5 on that scale.”.
- (5) This Article does not have effect in relation to an offence committed before it comes into operation.

**Changes to legislation:**

There are currently no known outstanding effects for the The Street Works (Amendment) (Northern Ireland) Order 2007, Section 25.