
STATUTORY INSTRUMENTS

2007 No. 287

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

Permit scheme

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3. In the 1995 Order after Article 12 there is inserted—

“Permit scheme

12A.—(1) The Department may by regulations make provision for, or in connection with, a scheme (a “permit scheme”) which is designed to control the carrying out of specified street works in specified streets.

(2) The permit scheme may (in particular) include provision—

- (a) for or in connection with requiring a permit to be obtained before specified street works are carried out (including provision as to the persons who are required to obtain permits),
- (b) for or in connection with the issue of permits (including provision with respect to applications for permits, provision for cases in which there is to be an entitlement to the issue of a permit and provision with respect to cases in which permits are to be deemed to be issued),
- (c) as to cases in which specified street works may be carried out without a permit,
- (d) for or in connection with the imposition of conditions which are to apply in relation to the carrying out of specified street works (including provision for or in connection with the attachment of such conditions to permits),
- (e) for or in connection with the review or variation of permits or such conditions (including provision with respect to applications for such variations);
- (f) disapplying or modifying statutory provisions to the extent specified.

(3) Regulations under this Article may make provision—

- (a) as to the criteria to be taken into account in the case of decisions with respect to the issue, review or variation of permits or decisions with respect to the imposition, review or variation of conditions under the scheme,
- (b) for or in connection with the determination, or facilitating the determination, of disputes (including provision with respect to the appointment of persons to determine, or facilitate the determination of, disputes),
- (c) for or in connection with appeals to the planning appeals commission,
- (d) as to the action which may be taken if works are carried out without a permit or if any conditions are not complied with,
- (e) for or in connection with the creation, in prescribed cases (including prescribed cases where works are carried out without a permit or in breach of any conditions),

of a criminal offence triable summarily and punishable with a fine not exceeding level 5 on the standard scale,

(f) for or in connection with excluding or limiting the liability of prescribed undertakers in prescribed cases.

(4) Regulations under this Article may make provision for or in connection with the giving of fixed penalty notices (including, in particular, provision applying Schedule 2A with or without modifications) in relation to any offence created by the regulations; and for this purpose “fixed penalty notice” means a notice offering a person the opportunity of discharging any liability to conviction for an offence by payment of a penalty.

(5) Regulations under this Article may make provision for or in connection with the payment of a fee in respect of any one or more of the following—

- (a) an application for a permit,
- (b) the issue of a permit,
- (c) an application for the variation of a permit or the conditions attached to a permit,
- (d) the variation of a permit or the conditions attached to a permit.

(6) Provision made under paragraph (5) may include provision as to—

- (a) the amount or maximum amount of any fee,
- (b) cases in which fees are not to be payable or are to be repaid,
- (c) cases in which fees may be discounted,
- (d) the time and manner of making payment of fees,
- (e) the application of sums paid by way of fees.

(7) Regulations under this Article may make provision—

- (a) for or in connection with the creation and maintenance of a register of permits,
- (b) with respect to access to information contained in any such register (including provision restricting such access).

(8) The first regulations under this Article may not be made unless a draft of them has been laid before and approved by a resolution of the Assembly.

(9) In this Article “specified” means specified, or of a description specified, in the permit scheme.”