
STATUTORY INSTRUMENTS

1980 No. 1086

Private Streets (Northern Ireland) Order 1980

PART IV

MAKING-UP OF PRIVATE STREETS

Apportionment of expenses

14.—(1) Subject to the following provisions of this Article, the expenses recoverable by the Department under this Order in respect of street works in a private street shall be apportioned against each responsible person under an apportionment according to the frontage for which he is responsible, but in determining the liability of each responsible person regard shall be had to the amount and value of any work already done otherwise than by the Department.

(2) For the purposes of paragraph (1), the frontage for which a person is responsible is, subject to Article 24(12) and (13), the frontage on the part of the street in respect of which he has, or is deemed under Article 24(11) to have, paid or secured a sum under Article 24(1) or given an undertaking under Article 24(2) or in respect of which he has entered into an agreement under Article 32, or, where no such prior provision for street works has been made, the frontage of the premises of which he is the owner.

(3) Where—

- (a) the amount of the expenses apportioned under paragraph (1) in respect of any frontage is disproportionate to the benefit derived by the premises having that frontage; and
- (b) the street works to which those expenses relate are not street works in respect of which—
 - (i) a sum has been paid or secured under Article 24(1), or
 - (ii) an undertaking has been given under Article 24(2), or
 - (iii) an agreement has been entered into under Article 32,

the amount so apportioned shall be reduced by such amount as may appear equitable to the Department and the amount of any such reduction shall be borne by the Department.

(4) Where under paragraph (3), the Department reduces the expenses apportioned under paragraph (1) in respect of any frontage, the Department may recover from the responsible person in accordance with Article 15, in whole or in part, the amount of the reduction if at any time access should be opened to the street so as to increase the benefit of the street works to the premises having that frontage.

(5) The Department shall not be entitled to recover by virtue of paragraph (4) unless, at the time at which the reduction is made, it has served a notice on the responsible person indicating the circumstances in which such recovery may be made.

(6) Where the Department is satisfied that street works carried out by it under this Order in a private street will benefit premises not fronting the street, the Department may apportion against any frontage of those premises such proportion of the expenses incurred by the Department in carrying out those street works as it thinks equitable according to the benefit derived.

Changes to legislation: *There are currently no known outstanding effects for the Private Streets (Northern Ireland) Order 1980, Section 14. (See end of Document for details)*

(7) Any sum apportioned under paragraph (6) shall be recoverable in accordance with Article 15 from the person or persons who would be the responsible persons if the street works were in respect of the street on which those premises have a frontage.

Changes to legislation:

There are currently no known outstanding effects for the Private Streets (Northern Ireland) Order 1980, Section 14.