
STATUTORY INSTRUMENTS

1980 No. 1086

Private Streets (Northern Ireland) Order 1980

PART VI

MISCELLANEOUS

Registration in Statutory Charges Register

[^{F1}Para. (1)] inserts para.18A in sch.11 to 1970 c.18 (NI)

^{F1}(2) Before giving an undertaking under Article 24(1) or (2) or entering into an agreement under Article 32, a person shall pay to the Department an amount equal to the fee payable by the Department on, or in connection with, the registration in the Statutory Charges Register of that undertaking or agreement.

(3) Any fee paid by the Department on, or in connection with, the registration in the Statutory Charges Register of any matter under this Order relating to street works (other than those mentioned in paragraph (2)) shall be recoverable by the Department summarily as a civil debt from the responsible person.]

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Power to enter premises, etc.

35.—(1) Subject to paragraph (2), an officer authorised by the Department to carry out functions under this Order may at any reasonable time enter, examine and lay open premises for the purpose of surveying, making plans, executing, maintaining or examining works, ascertaining the course of sewers or drains, or ascertaining or fixing boundaries.

- (2) A person authorised under paragraph (1) to enter upon any premises—
- (a) shall, if so required, produce evidence of his authority before entering;
 - (b) shall not demand admission as of right to any premises which are occupied unless 7 days' notice of the intended entry has been given to the occupier.
- (3) If it is shown to the satisfaction of a justice of the peace on a sworn complaint in writing—
- (a) that admission to the premises, which any person is entitled to enter by virtue of this Article, has been refused to that person, or that refusal is apprehended, or that the premises are unoccupied or the occupier is temporarily absent, or that the case is one of urgency; and
 - (b) that there are reasonable grounds for entry to the premises for any of the purposes mentioned in paragraph (1),

the justice may by warrant under his hand authorise that person to enter the premises if need be by force.

- (4) Where—

- (a) in the exercise of an authorisation given under paragraph (1) any damage is caused to premises or chattels, any person interested in the premises or chattels may recover compensation from the Department in respect of that damage;
 - (b) in consequence of the exercise of any such authorisation any person is disturbed in his enjoyment of premises or chattels, he may recover compensation from the Department in respect of that disturbance.
- (5) Any question of disputed compensation recoverable under paragraph (4) shall be determined by the Lands Tribunal.
- (6) Where work has been carried out on premises in pursuance of this Article, the Department shall reinstate the premises as soon as possible.
- (7) The Department may, for the purpose of enabling it to carry out any of its functions under this Order, by notice in writing require the occupier of any premises and any person who, either directly or indirectly receives rent in respect of any premises, to state in writing the nature of his own interest therein and the name and address of any other person known to him as having an interest therein, whether as freeholder, mortgagee, lessee or otherwise.
- (8) Anyone who—
- (a) obstructs any authorised person in the performance of anything which that person is required or authorised to do under this Article or by a warrant issued under paragraph (3); or
 - (b) without reasonable excuse fails to give or knowingly mis-states any information required under paragraph (7);
- shall be liable on summary conviction to a fine not exceeding £200.

Meaning of “responsible person”

- 36.—**(1) Subject to paragraph (2), in this Order the expression “responsible person” means in relation to street works in any street—
- (a) where, with respect to the expenses of those street works, a sum has been paid or secured under Article 24(1) or an undertaking given under Article 24(2) or an agreement entered into under Article 32, the person who paid or secured the sum or gave the undertaking or between whom and the Department an agreement exists under Article 32;
 - (b) in every other case, the owner for the time being of the premises fronting the street.
- (2) Where a person who, by virtue of a sum paid or secured, or an undertaking given, as aforesaid, is the responsible person in relation to street works in a street—
- (a) has transferred his whole estate in all the premises having a frontage on that street, that person shall, subject to paragraph (3), cease to be, and the person to whom he has transferred that estate shall be, the responsible person for the purposes of this Order;
 - (b) has transferred his whole estate in a part of any such premises, the person to whom he has transferred that estate shall also be a responsible person for the purposes of this Order.
- (3) Notwithstanding anything in paragraph (2), the transfer of any estate in premises shall not affect any security previously given under this Order but every such security shall remain in all respects as fully enforceable as if that transfer had not been made, and for the enforcement thereof the Department may exercise the like remedies against the transferor as if the transferor had remained the responsible person within the meaning of this Article.

Notices and appeals

37.—(1) The Department may by regulations, which shall be subject to negative resolution, prescribe the form of any notice, order, advertisement, certificate or other document to be used for the purposes of this Order.

(2) Notice of an appeal served on the Department under Article 7(6), 12, 16(1) or 26 shall state the grounds of the appeal and the Department shall be entitled to appear and be heard on the appeal.

(3) Except as provided by^{F2} Article 146 of the Magistrates' Courts (Northern Ireland) Order 1981], the decision of the court on an appeal under Article 7(6), 12, 16(1) or 26 shall be final, and where the court allows the appeal in whole or in part, the court shall state the reasons for its decision.

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Order to have effect notwithstanding provisions in local Acts, etc.

38. Nothing contained in any local or private Act shall operate to exempt any person from the performance of any duty or obligation imposed by any of the provisions of this Order or from any liability arising out of a contravention of a provision of this Order.

Repeal and saving

Para.(1) repeals 1964 c.27 (NI); s.11 of, and sch.2 to, 1966 c.36 (NI); revokes sch.(pt.) to SRO (NI) 1973/285.

(2) Notwithstanding the repeal of the Private Streets Act (Northern Ireland) 1964, the Department may carry out, with or without modifications or additions, or abandon proposals for the making up of private streets approved under section 10(6) of that Act, and in so doing the Department shall have regard to any changes of circumstances relevant to the proposal.

Changes to legislation:

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