
STATUTORY INSTRUMENTS

1993 No. 3160

The Roads (Northern Ireland) Order 1993

PART X

MISCELLANEOUS AND SUPPLEMENTARY

Financial provisions

Execution of works by Department at expense of another

122.—(1) The Department may, if it is satisfied it will be of benefit to the public, enter into an agreement with any person—

- (a) for the execution by the Department of any works which the Department is authorised to execute under this Order; or
- (b) for the execution by the Department of such works incorporating particular modifications, additions or features, or at a particular time or in a particular manner,

on terms that that person pays the whole or such part of the cost of the works as may be specified in or determined in accordance with the agreement.

(2) Without prejudice to the generality of the reference in paragraph (1) to the cost of the works, that reference shall be taken to include—

- (a) the whole of the costs incurred by the Department in or in connection with—
 - (i) the making of the agreement;
 - (ii) the making of any order required for the purposes of the works; and
 - (iii) the acquisition by the Department of any land required for the purposes of the works; and
- (b) all relevant administrative expenses of the Department, including an appropriate sum in respect of general staff costs and overheads.

(3) The agreement may also provide for the making to the Department of payments in respect of the maintenance of the works to which the agreement relates and may contain such incidental and consequential provisions as appear to the Department to be necessary or expedient for the purposes of the agreement.

(4) The fact that works are to be executed in pursuance of an agreement under this Article does not affect the power of the Department to acquire land, by agreement or compulsorily, for the purposes of the works.

(5) If any amount due to the Department in pursuance of an agreement under this Article is not paid in accordance with the agreement, the Department may—

- (a) direct that any means of access or other facility afforded by the works to which the agreement relates shall not be used until that amount has been paid;

- (b) recover that amount from any person having an estate in any land for the benefit of which any such means of access or other facility is afforded; and
- (c) declare that amount to be a charge on any such land (identifying it) and on all estates therein.

(6) If it appears to the Department that a direction under paragraph (5)(a) is not being complied with, the Department may execute such works as are necessary to stop up the means of access or deny the facility, as the case may be, and may for that purpose enter any land.

(7) Where the Department recovers an amount from a person by virtue of paragraph (5)(b), he may in turn recover from any other person having an estate in land for the benefit of which the means of access or other facility was afforded such contribution as may be found by the court to be just and equitable.

This does not affect the right of any of those persons to recover from the person liable under the agreement the amount which they are made to pay.

Changes to legislation:

There are currently no known outstanding effects for the The Roads (Northern Ireland) Order 1993, Section 122.