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STATUTORY INSTRUMENTS

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**1993 No. 3160**

**The Roads (Northern Ireland) Order 1993**

**PART IV**

**IMPROVEMENT AND SAFETY OF ROADS**

*Improvement of roads*

**Drainage of roads**

- 45.**—(1) The Department may, in a road or in land adjacent to or adjoining a road—
- (a) construct and lay road drains;
  - (b) construct and lay drains for the purpose of preventing surface water from flowing on to the road;
  - (c) erect barriers to divert surface water into or through any existing drain.
- (2) The Department may—
- (a) scour, cleanse and keep open road drains;
  - (b) scour, cleanse and keep open drains constructed and laid by the Department under paragraph (1)(b);
  - (c) for the purpose of relieving the flooding of any road, scour, cleanse and keep open any other drain in land adjacent to or adjoining a road.
- (3) The power under paragraph (1)—
- (a) to construct and lay a drain; or
  - (b) to erect barriers to divert surface water into or through any existing drain,

includes power to discharge water through that drain into any inland waters, whether natural or artificial, or any tidal waters.

(4) If the owner or occupier of any land suffers damage by reason of the exercise by the Department of any power under paragraph (1), (2) or (3), the Department shall pay compensation therefor.

(5) Any question as to whether compensation is payable under paragraph (4) or as to the amount of any compensation so payable shall be determined by the Lands Tribunal.

(6) For the purpose of draining a road or otherwise preventing surface water from flowing on to it, the Department may acquire by agreement or otherwise any drain, or any right of making or of use or other right in or respecting a drain (with or without any materials or things belonging thereto).

(7) Any person who, before the acquisition of a drain under paragraph (6), has acquired a right to use the drain, shall be entitled to use it or any drain substituted for it, to the same extent as he would or might have done had the drain not been acquired by the Department.

(8) Article 113(1) and (2) and Schedule 7 shall apply where under paragraph (6) the Department acquires otherwise than by agreement any drain or any right.

(9) In this Article and Article 46—

“road drain” means a drain the principal purpose of which is to drain a road;

“drain” includes a ditch, cut, culvert, soakaway, dyke or sluice.

**Changes to legislation:**

There are currently no known outstanding effects for the The Roads (Northern Ireland) Order 1993, Section 45.