
STATUTORY INSTRUMENTS

1995 No. 3210

The Street Works (Northern Ireland) Order 1995

Notice and co-ordination of works

Notice of starting date of works

15.—(1) An undertaker proposing to begin to execute street works involving—

- (a) breaking up or opening the street, or any sewer, drain or tunnel under it, or
- (b) tunnelling or boring under the street,

shall give not less than 7 working days' notice (or such other notice as may be prescribed) to the street authority, to any other relevant authority and to any other person having apparatus in the street which is likely to be affected by the works.

(2) Cases may be prescribed under paragraph (1) in which no notice is required.

(3) The notice shall state the date on which it is proposed to begin the works and shall contain such other information as may be prescribed.

(4) Where notice is required to be given under this Article, the works shall not be begun without notice or before the end of the notice period, except with the consent of those to whom notice is required to be given.

(5) An undertaker who begins to execute any works in contravention of this Article commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(6) In proceedings against a person for such an offence it is a defence for him to show that the contravention was attributable—

- (a) to his not knowing the position, or not knowing of the existence, of another person's apparatus, or
- (b) to his not knowing the identity or address of—

- (i) a relevant authority, or
- (ii) the person to whom any apparatus belongs,

and that his ignorance was not due to any negligence on his part or to any failure to make inquiries which he ought reasonably to have made.

(7) A notice under this Article shall cease to have effect if the works to which it relates are not substantially begun before the end of the period of 7 working days (or such other period as may be prescribed) beginning with the starting date specified in the notice, or such further period as may be allowed by those to whom notice is required to be given.