
STATUTORY INSTRUMENTS

1995 No. 3210

The Street Works (Northern Ireland) Order 1995

Reinstatement

Powers of street authority in relation to reinstatement

32.—(1) The street authority may carry out such investigatory works as appear to it to be necessary to ascertain whether an undertaker has complied with his duties under this Order with respect to reinstatement.

If such a failure is disclosed, the undertaker shall bear the cost of the investigatory works; if not, the street authority shall bear the cost of the investigatory works and of any necessary reinstatement.

(2) Where an undertaker has failed to comply with his duties under this Order with respect to reinstatement, he shall bear the cost of—

- (a) a joint inspection with the street authority to determine the nature of the failure and what remedial works need to be undertaken,
- (b) an inspection by the authority of the remedial works in progress, and
- (c) an inspection by the authority when the remedial works have been completed.

(3) The street authority may by notice require an undertaker who has failed to comply with his duties under this Order with respect to reinstatement to carry out the necessary remedial works within such period of not less than 7 working days as may be specified in the notice.

If he fails to comply with the notice, the authority may carry out the necessary works and recover from him the cost reasonably incurred by it in doing so.

(4) If it appears to the street authority that a failure by an undertaker to comply with his duties under this Order as to reinstatement is causing danger to users of the street, the authority may carry out the necessary works without first giving notice and may recover from him the costs reasonably incurred by it in doing so.

The authority shall, however, give notice to him as soon as reasonably practicable stating its reasons for taking immediate action.