
STATUTORY RULES OF NORTHERN IRELAND

1998 No. 425

**ROADS
STREET WORKS**

**Street Works (Reinstatement)
Regulations (Northern Ireland) 1998**

Made - - - - 3rd December 1998

Coming into operation 1st February 1999

The Department of the Environment, in exercise of the powers conferred on it by Articles 30(4), 31(1), (2) and (3) and 59(2) of the Street Works (Northern Ireland) Order 1995⁽¹⁾, and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Street Works (Reinstatement) Regulations (Northern Ireland) 1998 and shall come into operation on 1st February 1999.

(2) In these Regulations—

“the Code” means the Code of Practice entitled “Specification for the Reinstatement of Openings in Roads” dated 19th November 1998, and approved by the Department on 19th November 1998 as revised or re-issued from time to time;

“immediate works” means works comprising the orderly replacement of excavated material, reasonably compacted and finished at surface level with a cold lay surfacing;

“the Order” means the Street Works (Northern Ireland) Order 1995; and

“a road carrying over 70 thousand vehicles per day” means a road where the 24 hour annual average daily traffic flow of all vehicles in both directions exceeds 70 thousand vehicles.

Duty of undertaker to use materials and observe standards of workmanship

2.—(1) For the purposes of applying the requirements specified in regulation 3 the different descriptions of street are the types of road specified in paragraph 1.3.1 of Chapter S1 of the Code and the different descriptions of footpath are the types of footpath specified in paragraphs 1.4.1, 1.4.2 and 1.4.3 of Chapter S1 of the Code.

(1) S.I.1995/3210 (N.I. 19); see Article 2(2) for the definition of “the Department” and “prescribed”

(2) In any case where the Department has given the undertaker which is intending to execute street works in the street written notice that it has classified the street as being of one of those types of road, and undertaker shall use the materials and observe the standards of workmanship specified in regulation 3 and satisfy the performance standards specified in regulation 4 appropriate to that type of road.

(3) In any case where the Department has given the undertaker which is intending to execute street works in the street written notice that the street is a road carrying over 70 thousand vehicles per day the undertaker shall use such materials and observe such standards of workmanship as shall be agreed between the Department and the undertaker.

(4) In any case where the Department has not given the undertaker which is intending to execute works in the street written notice under paragraph (2) or (3), the undertaker shall use the materials and observe the standards of workmanship specified in regulation 3 for the type of road which the undertaker considers appropriate, provided that the Department shall not in such a case classify the street as being any other type of road until such street works including reinstatement have been completed.

Requirements as to specification of materials and standards of workmanship

3.—(1) Save as provided in regulations 2(3), 6 and 7 an undertaker executing street works shall in reinstating the street comply with—

- (a) the requirements specified in paragraph (2) as to the specification of materials to be used so far as those requirements relate to reinstatement; and
- (b) the requirements specified in paragraph (3) as to the standards of workmanship to be observed so far as those requirements relate to reinstatement.

(2) The requirements referred to in paragraph (1)(a) are the requirements to use materials which are needed to satisfy the performance standards specified in regulation 4, having regard to the various provisions for each description of street specified in the chapters of the Code listed in column 2 of the Table below to the extent specified in column 3 of that Table.

Table

1 <i>Item No.</i>	2 <i>Chapter of Code</i>	3 <i>Extent of application</i>
1	S1 (Introduction)	The whole so far as it applies to use of materials.
2	S2 (Performance Requirements)	Paragraph 2.6.4.
3	S4 (Surround to Apparatus)	The whole so far as it applies to use of materials.
4	S5 (Backfill)	The whole so far as it applies to use of materials.
5	S6 (Flexible and Composite Roads)	The whole so far as it applies to use of materials.
6	S7 (Rigid and Modular Roads)	The whole so far as it applies to use of materials.
7	S8 (Footways, Footpaths and Cycletracks)	The whole so far as it applies to use of materials.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

1 <i>Item No.</i>	2 <i>Chapter of Code</i>	3 <i>Extent of application</i>
8	S9 (Verges)	The whole so far as it applies to use of materials.
9	S11 (Ancillary Activities)	The whole so far as it applies to use of materials.
10	S12 (Remedial Works)	Paragraph 12.3.

(3) The requirements referred to in paragraph (1)(b) are the requirements to observe the standards of workmanship which are needed to satisfy the performance standards specified in regulation 4, having regard to the various provisions for each description of street specified in the chapters of the Code listed in column 2 of the Table below to the extent specified in column 3 of the Table.

Table

1 <i>Item No.</i>	2 <i>Chapter of Code</i>	3 <i>Extent of application</i>
1	S1 (Introduction)	The whole so far as it applies to standards of workmanship.
2	S2 (Performance Requirements)	Paragraphs 2.2.1, 2.3.1, 2.4.2, 2.4.3, 2.6.2, 2.6.3.
3	S3 (Excavation)	The whole so far as it is relevant to reinstatement.
4	S4 (Surround to Apparatus)	The whole so far as it applies to standards of workmanship.
5	S6 (Flexible and Composite Roads)	The whole so far as it applies to standards of workmanship.
6	S7 (Rigid and Modular Roads)	The whole so far as it applies to standards of workmanship.
7	S8 (Footways, Footpaths and Cycletracks)	The whole so far as it applies to standards of workmanship.
8	S9 (Verges)	The whole so far as it applies to standards of workmanship.
9	S10 (Compaction)	The whole.
10	S11 (Ancillary Activities)	The whole so far as it applies to standards of workmanship.
11	S12 (Remedial Works)	The whole so far as it applies to standards of workmanship.

Performance standards

4. The performance standards referred to in regulation 3 are the performance requirements specified in Chapter S2 of the Code.

Application of requirements specified in regulation 3

5. The requirements specified in regulation 3 apply—
- (a) to immediate works in so far as the provisions of the Code to which these requirements relate are expressly confined to immediate works;
 - (b) to interim reinstatements in so far as the provisions of the Code to which those requirements relate are expressly confined to interim reinstatements;
 - (c) to permanent reinstatements in so far as the provisions of the Code to which those requirements relate are expressly confined to permanent reinstatements; and
 - (d) to immediate works, interim reinstatements and permanent reinstatements in so far as the provisions of the Code to which those requirements relate are not expressly confined to immediate works, interim reinstatements or permanent reinstatements.
6. The requirements specified in regulation 3 apply subject to the provisions of paragraphs 1.6, 1.7.1 and 1.7.2 of Chapter S1 of the Code.

Compliance with the Code

7. An undertaker executing street works which consist of immediate works shall comply with the provisions specified in paragraphs 1.7.1 and 1.7.2 of Chapter S1 of the Code.

8.—(1) An undertaker who has complied with the Code shall be taken to have complied with his duties under Article 31 of the Order and under these Regulations.

(2) Any failure by an undertaker in any respect to comply with any provision of the Code shall be evidence of failure in that respect on his part to comply with his duties under Article 31 of the Order and under these Regulations.

Extension of period for completion of permanent reinstatement

9. Where an undertaker has carried out an interim reinstatement, the period for the completion of the permanent reinstatement may be extended by agreement between the undertaker and the Department to a date not later than twelve months from the date on which the interim reinstatement was completed.

Sealed with the Official Seal of the Department of the Environment on

L.S.

3rd December 1998.

J. G. Angus
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations prescribe the requirements for the specification of materials to be used and the standards of workmanship to be observed by undertakers when reinstating streets in which they have executed street works in accordance with their duty under Article 30(1) of the Street Works (Northern Ireland) Order 1995 (“the Order”).

An undertaker executing street works is required when reinstating the street to comply with specified requirements as to materials to be used (regulation 3(1) and (2)) and standards of workmanship to be observed (regulation 3(1) and (3)). The specified requirements are prescribed by reference to the Code of Practice (“the Code”) issued by the Department under Article 31(3) of the Order. Different requirements are specified for different types of street (regulation 2) and special provision is made for streets carrying very heavy traffic where the materials and standards of workmanship are to be agreed between the Department and the undertaker (regulation 2(3)) and for street works classified as immediate works (regulation 7).

Performance standards are prescribed by reference to the Code (regulation 5). It is provided that compliance by an undertaker with the Code or his failure to do so shall amount to compliance with his duties under Article 31 of the Order or be evidence of his failure to comply (regulation 8). There is provision for the extension by agreement between the undertaker and the Department of the period for the completion of permanent reinstatement where an interim reinstatement has been carried out (regulation 9).

The Code of Practice entitled “Specification for the Reinstatement of Openings in Roads” is published by The Stationery Office Ltd. and may be obtained from the Stationery Office Bookshop, 16 Arthur Street, Belfast, BT1 4GD.

These Regulations have been notified to the European Commission pursuant to Directive [98/34/EC](#) of 22nd June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services (O.J. No. L204, 21.07.98, p. 37-48) as amended by Directive [98/48/EC](#) of 20th July 1998 (O.J. No. L217, 05.08.98, p. 18-26). Copies of the Directives can be obtained from the Stationery Office Bookshop, 16 Arthur Street, Belfast, BT1 4GD.