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STATUTORY RULES OF NORTHERN IRELAND

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**2002 No. 10**

**The Street Works (Register, Notices, Directions and Designations) Regulations (Northern Ireland) 2002**

**Citation and commencement**

1. These Regulations may be cited as the Street Works (Register, Notices, Directions and Designations) Regulations (Northern Ireland) 2002 and shall come into operation on 18th March 2002.

**Interpretation**

2. In these Regulations—

“cycle track” means a way over which the public have a right of way on pedal cycle only, or on pedal cycle and foot only;

“footpath” means a way over which the public have a right of way on foot only, not being a footway;

“major projects” means projects which have been identified specifically in the annual operating programme of the undertaker or the Department, or which, though not specifically identified in such a programme, would normally be planned at least six months in advance of works commencing;

“minor works” means works (not being emergency works or urgent works) whether in the footway, verge or carriageway, which are of a planned duration of not more than 3 days, do not form part of a rolling programme and do not involve at any one time more than 30 metres of works or leave less than 3 metres width of carriageway available for traffic or less than 2.5 metres width of carriageway where the traffic is expected to consist only of motor cars and light locomotives within the meaning of Article 3(1) of the Road Traffic (Northern Ireland) Order 1995<sup>(1)</sup>;

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

“person responsible for securing registration” means in relation to any information, the person responsible for conveying such information to the Department for registration in the register;

“statutory undertaker” means a person entitled by virtue of a statutory right to carry out street works;

“standard works” means all works which are not emergency works, urgent works or minor works;

“the register” means the street works register required to be kept by the Department by virtue of Article 13(1) of the Order;

“traffic-sensitive street” means a street designated by the Department as traffic-sensitive pursuant to Article 24 of the Order and in a case where a limited designation is made pursuant

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to Article 24(3) any reference to works in a traffic-sensitive street shall be construed as a reference to works to be executed at the times and dates specified in such a designation;

“trunk road” has the same meaning as in the Roads Order; and

“urgent works” means street works (not being emergency works) whose execution at the time they are executed is required (or which the person responsible for the works believes on reasonable grounds to be required)—

- (a) to prevent or put an end to an unplanned interruption of any supply or service provided by the undertaker;
- (b) to avoid substantial loss to the undertaker in relation to an existing service; or
- (c) to reconnect supplies or services where the undertaker would be under a civil or criminal liability if the reconnection is delayed until after the expiration of the appropriate notice period,

and includes works which cannot reasonably be severed from such works.

**Street works register**

3.—(1) The register shall be kept in electronic form and shall be so indexed as to enable the information referred to in paragraphs (2) and (3) relating to a particular street to be traced.

(2) The information with respect to street works to be shown on the register and, in each case, the person responsible for securing its registration are specified in columns (2) and (3) respectively of the Table.

**TABLE**

<i>Item</i>	<i>Information</i>	<i>Person responsible for securing its registration</i>
(1)	(2)	(3)
1	Copies of all notices pursuant to Articles 14, 15 and 17 of the Order served upon the Department relating to street works in any street which is a road	The undertaker concerned
2	Copies of all notices pursuant to Articles 14, 15 and 17 of the Order served upon street managers relating to street works in any street which is not a road	The undertaker concerned
3	Description and location of street works involving breaking up the street not requiring prior notice in any street	The undertaker concerned
4	Description and location of works for which plans and sections have been submitted under Schedule 2 to the Order	The undertaker concerned

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<i>Item</i>	<i>Information</i>	<i>Person responsible for securing its registration</i>
(1)	(2)	(3)
5	Particulars of notices given by any relevant authority under Schedule 2 to the Order	The relevant authority

(3) The information with respect to other descriptions of works and other matters to be shown on the register and, in each case, the person responsible for securing its registration are specified in columns (2) and (3) respectively of the Table.

**TABLE**

<i>Item</i>	<i>Information</i>	<i>Person responsible for securing its registration</i>
(1)	(2)	(3)
1	Every street, for which the Department is the street authority	The Department
2	Every street, which is a prospective road	The Department
3	Every street, of which the Department is aware, which is a road but for which it is not the street authority	The Department
4	Every street, which is— (a) a protected street; (b) a street with special engineering difficulties; (c) a traffic-sensitive street including details of any limited designation, and including in each case, where appropriate, details of the parts of the street designated	The street authority concerned
5	Description and location of street authority works for road purposes	The street authority concerned
6	Copies of all notices published under Article 18 of the Order and of consents under that Article	The street authority concerned
7	Particulars of street works licences, including details of conditions, and of changes of ownership	The street authority concerned

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<i>Item</i>	<i>Information</i>	<i>Person responsible for securing its registration</i>
(1)	(2)	(3)
8	Information under Article 30(3) of the Order as to completion of reinstatements	The undertaker concerned
9	Particulars of apparatus notified to the street authority under Article 40(2) of the Order	The street authority concerned
10	Every notice of works pursuant to Article 45(2) of the Order	The authority concerned
11	The classification of the street as a type of road for the purposes of regulation 2 of the Street Works (Reinstatement) Regulations (Northern Ireland) 1998(2)	The street authority concerned

(4) Information of the following types is restricted information for the purpose of Article 13(3) of the Order—

- (a) information certified by or with the authorisation of the Secretary of State as being restricted information in the interests of national security;
- (b) information certified by, or with the authorisation of, an undertaker as being restricted information in accordance with the commercial interests of the undertaking.

#### **Prescribed notice**

4.—(1) Any notice for the purposes of Articles 14, 15 and 17 of the Order shall be in the form contained in Schedule 2 to these Regulations.

(2) Any such notice shall include such information as may be required to complete the parts of the form referred to in paragraph (1) which are indicated in that form as being relevant to the notice.

(3) Any notice required or authorised to be given for the purposes of any other provision under the Order shall be in writing, shall refer to the provision of the Order pursuant to which it is given and may be in any form.

#### **Prescribed manner of service of notices**

5.—(1) Where under the Order or these Regulations an undertaker is under an obligation to give notice within a specified period of works beginning, such notice, at the option of the person giving it, shall be given by delivering it to the person to whom it is addressed at his proper address, or by sending it to such address by telefacsimile or other electronic means, or by any other means agreed between the person giving it and the person to whom it is to be sent.

(2) In any other case under the Order, or these Regulations, where any person is required or authorised to give a notice, such notice, at the option of the person giving it, shall be given by delivering it to the person to whom it is addressed, or by leaving it at his proper address, or by

telefacsimile or other electronic means, or by sending it by first class post to him at that address, or by any other means agreed between the person giving it and the person to whom it is to be sent.

(3) Subject to Article 54(3) of the Order, where a notice may be served by telefacsimile or other electronic means, then, unless the contrary is proved, service is deemed to be effected at the time when the transmitting apparatus records satisfactory completion of the transmission, provided that where, after three attempts (duly recorded by the person serving the notice) to effect service by such means, service cannot be effected, the notice may be given by telephone and a copy thereof served upon the person to whom it is addressed by any of the means referred to in paragraph (2) as soon as practicable.

(4) For the purpose of this regulation, the proper address of any person to whom notice is to be given shall be, where such person has furnished to the person giving the notice an address for service of notices under the Order, that address, and otherwise, in the case of a corporation, the registered or principal office of the corporation, or, in any other case, the last known address of such person, provided that a person may furnish different addresses for different notices or different classes of notice.

#### **Advance notice of works**

6.—(1) For the purposes of Article 14 of the Order, an undertaker, in addition to giving notice in accordance with regulation 7, shall give one month's advance notice of street works to which this regulation applies.

(2) This regulation applies to—

- (i) major projects;
- (ii) in traffic-sensitive streets, standard works and minor works involving breaking up the street.

#### **Notice of starting date of works**

7.—(1) Subject to paragraphs (2) and (4), for the purposes of Article 15 of the Order, an undertaker proposing to execute street works in a traffic-sensitive street shall, for each of the categories of work specified in column (2) of the Table, give a period of notice in relation to that category not less than that shown in column (3).

**TABLE**

<i>Item</i> (1)	<i>Category of works</i> (2)	<i>Notice period</i> (3)
1	Urgent works	2 hours
2	Minor works not involving breaking up the street and the replacement of poles, lamps, columns and signs, pole testing and similar works involving minimal breaking up the street	3 days
3	Standard works	7 days
4	Minor works involving breaking up the street	7 days
5	Remedial works by an undertaker to a reinstatement	3 days

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<i>Item</i> (1)	<i>Category of works</i> (2)	<i>Notice period</i> (3)
	not causing danger to users of the street	

(2) In a case where urgent works to which this paragraph applies are to be carried out in a traffic-sensitive street, which are works of a kind of which notice is required under Article 15 of the Order, the undertaker shall give notice as soon as reasonably practicable, and in any event within 2 hours of beginning the works. This paragraph applies to works—

- (a) for the purpose of restoring a supply or service where the supply or service is to premises to which it has been agreed in advance between the undertaker and the street authority that this paragraph applies, and
- (b) where, without knowing or having reasonable grounds for believing in the existence of circumstances justifying the execution of emergency works, the undertaker fears that, in the circumstances, persons or property might be endangered unless the works are carried out immediately,

and to such other works as cannot reasonably be severed from such works.

(3) Subject to paragraph (4), for the purposes of Article 15 of the Order, an undertaker proposing to execute street works in a street which is not a traffic-sensitive street shall, for each of the categories of work specified in column (2) of the Table, give a period of notice in relation to that category not less than that shown in column (3).

**TABLE**

<i>Item</i> (1)	<i>Category of works</i> (2)	<i>Notice period</i> (3)
1	Standard works	7 days
2	Urgent works	As soon as reasonably practicable and in any event within 2 hours of the works being begun

Provided, however, that in relation to streets to which this paragraph applies no notice is required in the case of minor works or remedial works by an undertaker to a reinstatement not causing danger to users of the street.

- (a) (4) (a) No notice pursuant to Article 15 of the Order is required to be given by a statutory undertaker to any person to whom this paragraph applies, unless such person has requested such a notice.
- (b) This paragraph applies—
  - (i) to any statutory undertaker having apparatus in the street which is likely to be affected by the works, and
  - (ii) to any person who would otherwise be entitled to such notice solely by virtue of his having in the street part of a service pipe lying between the boundary of the street and the stopcock on such pipe in that street, or his having a drain in that street.
- (c) In this paragraph—
 

“stopcock” includes any box or pit in which a stopcock is enclosed and the cover to any such box or pit; and

“drain” and “service pipe” shall have the same meaning as in the Water and Sewerage Services (Northern Ireland) Order 1973(3).

(5) For the purposes of Article 15(7) of the Order the period at the end of which a notice shall cease to have effect in relation to any street works shall be the same as the period of notice specified for that category of works in the appropriate Table in paragraph (1) or paragraph (3) as the case may be.

### **Procedure for giving directions**

8.—(1) Every direction under Article 16(1) of the Order shall be given by the street authority serving upon the undertaker a copy of the notice relating to the works given by the undertaker in accordance with these Regulations. The notice shall be endorsed with the terms of the direction.

(2) The provisions of regulation 5(2), (3) and (4) shall apply to the service of such directions.

(3) In relation to a notice pursuant to regulation 6 a direction shall be of no effect if given more than 10 days after its receipt by the street authority, and in relation to a notice pursuant to regulation 7 a direction shall be of no effect if given later than one hour after its receipt by the authority where the period of notice prescribed in either of the tables in that regulation is 2 hours, later than one day after receipt where the period is 3 days and later than 3 days after receipt where the period of notice is 7 days.

### **Substantial road works**

9.—(1) For the purposes of Article 18(1) of the Order, “substantial road works” means works for road purposes which—

- (a) comprise a reconstruction, widening, alteration in the level, resurfacing or specialist non-skid surface dressing of the part of the street concerned; and
- (b) if executed in a footpath, footway or cycle track, extend for more than 30 metres of continuous length and result in the width of the footpath, footway or cycle track available for pedestrians or cyclists, as the case may be, being reduced by more than two-thirds; and
- (c) if carried out in the carriageway, extend for more than 30 metres of continuous length and result in the use by vehicles of the carriageway being prohibited or the width of the carriageway available for vehicular traffic being reduced by more than one-third.

(2) A notice under Article 18 of the Order in relation to a restriction on works following substantial road works shall be published on the register.

(3) For the purposes of Article 18(5) of the Order, the following works may be executed by an undertaker—

- (a) urgent works;
- (b) works required to respond to a request for a new service or supply to a customer which was not received at a time when it was practicable for the works to be done before the period of restriction began;
- (c) works not involving breaking up the street; and
- (d) the following works—
  - (i) repairing, resetting and replacing manhole or chamber covers and frames;
  - (ii) resurfacing up to 20 square metres;
  - (iii) pole, lamp, column or sign replacement in the same location;
  - (iv) pole testing; and

(v) works of a similar nature to those mentioned in heads (i) to (iv).

### **Exemptions and adaptations**

**10.** In its application to a street which is not a road—

- (a) Article 40 of the Order and regulation 3 shall be adapted so that, for the purposes of those provisions, the Department shall be the street authority; and
- (b) Article 21 shall not apply to any street which is not a road in respect of which consent to the breaking up or opening of the street is required under any other enactment.

### **Designation of protected streets**

**11.—(1)** A street authority shall not designate a street as a protected street pursuant to Article 21 of the Order unless—

- (a) the street fulfils a specific strategic traffic need; and
- (b) the street is subject to such high and constant traffic flows that designation as a traffic-sensitive street would not be sufficient to avoid serious disruption to traffic caused by street works; and
- (c) there exists a reasonable alternative for placing undertakers' apparatus which could lawfully be placed in the street.

(2) The procedure for making or withdrawing such a designation is specified in Schedule 1.

(3) The information to be made available by the street authority in respect of streets for the time being designated by them under Article 21 of the Order shall include the date of designation, details of the street and subject of designation in sufficient detail to enable it to be identified, and particulars of all consents to the placing of apparatus in the street.

### **Designation of streets with special engineering difficulties**

**12.—(1)** The criteria for designating a street as having special engineering difficulties pursuant to Article 23 are—

- (a) in the case of a street, that there is a specific engineering feature identified as fundamental to the structure and integrity of the street as a whole requiring special measures to be taken in the planning and execution of street works in order to avoid serious failure of the street as a whole; or
- (b) in the case of an engineering structure associated with a street, that its fundamental integrity and safety is dependent upon special measures being taken in the planning and execution of street works in the relevant part of the street in order to avoid serious failure of the structure concerned.

(2) The procedure for making or withdrawing such a designation is specified in Schedule 1.

(3) The information to be made available by the street authority in respect of each street for the time being designated by them under Article 23 of the Order shall include the date of designation, particulars of the street in sufficient detail to enable it to be identified, the features which justify the designation and particulars of the authority or undertaker with an interest in the street.

### **Designation of streets as traffic-sensitive**

**13.—(1)** In any case where the street authority has not by agreement with a majority of statutory undertakers having apparatus in the street or a reasonable likelihood of having apparatus in the



street designated a street as traffic-sensitive, the street authority shall not designate a street as traffic-sensitive pursuant to Article 24 of the Order unless one or more of the following criteria apply—

- (a) the street is one on which at any time the street authority estimates the traffic flow to be greater than that shown in the table and on both sides of which the parking of vehicles is prohibited or restricted on the relevant day by a traffic regulation order under Article 4, or by an experimental traffic control scheme under Article 5, of the Road Traffic Regulation (Northern Ireland) Order 1997(4) for at least one hour between 7.30 a.m. and 9.30 a.m. and for at least one hour between 3.30 p.m. and 7.00 p.m. (whether or not the parking of vehicles is prohibited or restricted on the street at any other hours) or on which parking does not normally take place on either side during these hours.

**TABLE**

Width of carriageway	<i>Traffic flows (vehicles per hour)</i>		
	<10.25m	10.25–13.25m	>13.25m
Single carriageway	1,050 (2-way)	1,320 (1-way)	3,330 (2-way)
Dual carriageway/ one-way street	1,390 (1-way)	2,770 (1-way)	4,090 (1-way)

The traffic flow figures used in this table assume a traffic mix containing up to 12 per cent buses or heavy goods vehicles or both. If, in the case of any street, the number of buses or heavy goods vehicles or both counted exceeds that percentage of the total number of vehicles counted, a conversion factor of 2 may be applied to the number of buses or heavy goods vehicles or both in excess of such percentage.

- (b) The street is—
- (i) within the area of a critical signalised junction or 100 metres of the major arm, or 50 metres of the minor arm, of such junction, measured in each case from the junction, or
  - (ii) within the area of a critical gyratory or roundabout system or 40 metres of the major arm, or 20 metres of the minor arm of the approach to or exit from such system, measured in each case from the junction of that arm with the system.
- (c) The street is—
- (i) a street in respect of which there is in force a traffic regulation order under Article 4, or an experimental traffic control scheme under Article 5, of the Road Traffic Regulation (Northern Ireland) Order 1997 prohibiting (with or without exemptions) the use of the street by vehicular traffic for more than 8 hours in any period of 24 hours, or an order made under Article 100 of the Planning (Northern Ireland) Order 1991(5); and
  - (ii) the two-way pedestrian traffic flow is at least 22 persons per minute per metre width during the busiest hour on the relevant day.
- (d) The street is a single carriageway two-way road less than 6.5 metres wide having a traffic flow of not less than 600 vehicles per hour which is a trunk road.

Provided that a street authority may only designate a street as traffic-sensitive for the times and on the dates when one or more of the criteria set out in sub-paragraphs (a) to (d) apply.

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(4) S.I. 1997/276 (N.I. 2)  
(5) S.I. 1991/1220 (N.I. 11)

(2) The procedure for making or withdrawing a designation under Article 24 of the Order is specified in Schedule 1.

(3) The information to be made available by the street authority in respect of each street for the time being designated under Article 24 of the Order shall include the date of designation, particulars of the street in sufficient detail to enable it to be identified and, in the case of a limited designation, the times of day, days, periods or occasions to which the designation applies.

(4) In this regulation—

“critical signalised junction” means a traffic signal junction at which, in the absence of street works or works for road purposes at times when the exit is not blocked, no less than 5 per cent of peak hour vehicles on average fail to clear the junction on the first green signal;

“critical gyratory or roundabout system” means a gyratory or roundabout system where, in the absence of street works or works for road purposes, no less than 5 per cent of peak hour vehicles on average are delayed by more than 20 seconds;

“major arm” of a critical signalised junction means the arm which receives more than 10 seconds of green time per cycle or which is the exit for at least 10 per cent of traffic passing through the junction in the peak hour and “minor arm” of such a junction shall be construed accordingly;

“major arm” of a critical gyratory or roundabout system means an arm which is used by no less than 20 per cent of the vehicles using that system and “minor arm” of such a system shall be construed accordingly; and

“peak hour” means between 7.30 a.m. and 9.30 a.m. and between 3.30 p.m. and 7.00 p.m. on the relevant day.

Sealed with the Official Seal of the Department for Regional Development on 17th January 2002.

L.S.

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Department for Regional Development