
DRAFT STATUTORY INSTRUMENTS

2007 No.

The Street Works (Amendment) (Northern Ireland) Order 2007

Notice and co-ordination of works

Notices of street works

6.—(1) In Article 14 of the 1995 Order (advance notice of certain works)—

- (a) in paragraph (2) for “contain such” there is substituted “state the date on which it is proposed to begin the works and shall contain such other”;
- (b) after paragraph (3) there is inserted—

(3A) If an undertaker who has given advance notice under this Article has not, before the starting date specified in the notice, given to the street authority a notice under Article 15 in respect of the works, he shall within such period as may be prescribed give to that authority a notice containing such information as may be prescribed.

(3B) An advance notice under this Article shall cease to have effect in relation to the proposed works (so that paragraph (1) applies again in relation to the works) if those works are not substantially begun before the end of such period beginning with the starting date specified in the notice as may be prescribed, or such further period as the street authority may allow.”.

(2) In Article 15 of that Order (notice of starting date of works) after paragraph (7) there is inserted—

“(8) If a notice under this Article ceases to have effect the undertaker shall, within such period as may be prescribed, give a notice containing such information as may be prescribed to those to whom the notice under this Article was required to be given.

(9) An undertaker who fails to give notice in accordance with paragraph (8) commits an offence and is liable on summary conviction to a fine not exceeding level 4 on the standard scale.”.

(3) In Article 51 of that Order (works affecting level crossings or tramways) in paragraph (2) for “(7)” there is substituted “(9)”.

Directions relating to timing of street works

7.—(1) Article 16 of the 1995 Order (power to give directions as to timing of street works) is amended as follows.

(2) In paragraph (1)—

- (a) in sub-paragraph (b), after “at certain times” there is inserted “or on certain days (or at certain times on certain days)”;
- (b) after “the times” there is inserted “or days (or both)”.

(3) After paragraph (1) there is inserted—

“(1A) Where it appears to a street authority—

- (a) that subsisting street works are causing or are likely to cause serious disruption to traffic, and

- (b) that the disruption would be avoided or reduced if the works were to continue to be carried out only at certain times or on certain days (or at certain times on certain days),

the authority may give the undertaker such directions as may be appropriate as to the times or days (or both) when the works may or may not continue to be carried out.”.

- (4) After paragraph (3) there is inserted—

“(3A) An undertaker shall be taken not to have failed to fulfil any statutory duty to afford a supply or service if, or to the extent that, his failure is attributable to a direction under this Article.”.

Directions as to placing of apparatus

- 8. In the 1995 Order, after Article 16 there is inserted—

“Power to give directions as to placing of apparatus

16A.—(1) Where—

- (a) an undertaker is proposing to execute street works consisting of the placing of apparatus in a street (“street A”),
- (b) placing the apparatus in street A is likely to cause disruption to traffic, and
- (c) it appears to the street authority that—
 - (i) there is another street (“street B”) in which the apparatus could be placed, and
 - (ii) the conditions in paragraph (2) are satisfied,

the authority may by direction require the undertaker not to place the apparatus in street A (but may not require him to place the apparatus in street B).

(2) The conditions referred to in paragraph (1)(c) are that—

- (a) disruption to traffic would be avoided or reduced if the apparatus were to be placed in street B;
- (b) placing the apparatus in street B would be a reasonable way of achieving the purpose for which the apparatus is to be placed; and
- (c) it is reasonable to require the undertaker not to place the apparatus in street A.

(3) A direction under this Article may be varied or revoked by a further such direction.

(4) The procedure for giving a direction under this Article shall be prescribed.

(5) The Department may by regulations make provision for or in connection with appeals to the planning appeals commission against directions under this Article.

(6) An undertaker who executes works in contravention of a direction under this Article commits an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(7) An undertaker shall be taken not to have failed to fulfil any statutory duty to afford a supply or service if, or to the extent that, his failure is attributable to a direction under this Article.

(8) The Department may issue or approve for the purposes of this Article a code of practice giving practical guidance as to the exercise by street authorities of the power conferred by this Article; and in exercising that power street authorities shall have regard to the code of practice.”.

Restriction on works following substantial road works

9.—(1) Article 18 of the 1995 Order (restriction on works following substantial road works) is amended as specified in paragraphs (2) to (8).

(2) In paragraph (1), for the words “12 months” there is substituted “prescribed period”.

(3) In paragraph (2), after “prescribed” there is inserted “form and” and for “3 months” there is substituted “such period as may be prescribed”.

(4) In paragraph (3) after sub-paragraph (e) there is inserted “and
(f) any other person of a prescribed description;”

(5) In paragraph (4), for sub-paragraphs (a) and (b) there is substituted “within such period as may be prescribed”.

(6) In paragraph (6), at the beginning of sub-paragraph (b) there is inserted “if he is convicted of an offence under this paragraph”.

(7) In paragraph (7), for “by arbitration” there is substituted “in the prescribed manner”.

(8) After that paragraph there is inserted—

“(7A) Regulations under paragraph (7) may in particular make provision for the question referred to in that paragraph to be settled—

(a) by arbitration;

(b) by the planning appeals commission on appeal by the undertaker.”.

Restriction on works following substantial street works

10.—(1) After Article 18 of the 1995 Order there is inserted—

“Restriction on works following substantial street works

18A. Schedule 1A shall have effect.”.

(2) After Schedule 1 to that Order there is inserted Schedule 1A as set out in Schedule 1 to this Order.

(3) In Article 17 of that Order (notice of emergency works)—

(a) in paragraph (1) after “works)” there is inserted “or paragraph 2(1)(d) or 3(1) of Schedule 1A (notification of proposed works or directions as to timings of works)”;

(b) in paragraph (2) after “is” there is inserted “(or would, but for paragraph 2(6) of Schedule 1A, be)”.

(4) In Article 24 of that Order (traffic-sensitive streets) in paragraph (1) after “works)” there is inserted “or paragraph 2 of Schedule 1A”.

(5) In Article 34 of that Order (charge for occupation of road where works unreasonably prolonged) in paragraph (3)(b) after “date)” there is inserted “or notification under paragraph 2(1)(d) of Schedule 1A (notification of proposed works)”.

(6) In Article 47 of that Order (provisions relating to bridges) in paragraph (1) after “date)” there is inserted “, or making a notification under paragraph 2(1)(d) of Schedule 1A (notification of proposed works),”.

(7) In Article 48 of that Order (provisions relating to sewers) in paragraph (1) after “date)” there is inserted “, or making a notification under paragraph 2(1)(d) of Schedule 1A (notification of proposed works),”.

Duty of street authority to co-ordinate works

11.—(1) Article 19 of the 1995 Order (general duty of street authority to co-ordinate works) is amended as follows.

(2) In paragraph (1) after “purposes” there is inserted “and the carrying out of relevant activities”.

(3) In paragraph (2) after “works” there is inserted “or relevant activities”.

(4) After paragraph (6) there is inserted—

“(7) In this Article “relevant activities” means any activity, other than the execution of works in the street or the use of the street by traffic (including pedestrians), which—

(a) involves the temporary occupation or use of space in a street;

(b) is subject to regulation by the street authority by virtue of provision made by or under any statutory provision other than this Order; and

(c) is prescribed.”.