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STATUTORY INSTRUMENTS

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**1995 No. 3210**

**The Street Works (Northern Ireland) Order 1995**

*General requirements as to execution of street works*

**Works likely to affect other apparatus in the street**

**29.**—(1) Where street works are likely to affect another person's apparatus in the street, the undertaker executing the works shall take all reasonably practicable steps—

- (a) to give the person to whom the apparatus belongs reasonable facilities for monitoring the execution of the works, and
- (b) to comply with any requirement made by him which is reasonably necessary for the protection of the apparatus or for securing access to it.

(2) An undertaker who fails to comply with paragraph (1) commits an offence in respect of each failure and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) In proceedings against a person for such an offence it is a defence for him to show that the failure 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 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.