
STATUTORY INSTRUMENTS

1980 No. 1086

Private Streets (Northern Ireland) Order 1980

PART I

INTRODUCTORY

Title and commencement

- 1.—(1) This Order may be cited as the Private Streets (Northern Ireland) Order 1980.
(2) *Commencement*

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

^{F1}(2) In this Order—

“adjoining” includes abutting on;

“building regulations” means regulations made under Article 3(1) of the Building Regulations (Northern Ireland) Order 1972 or under Article 3(1) of the Building Regulations (Northern Ireland) Order 1979 ;

“the Department” means the Department of the Environment;

“fronting” includes adjoining;

“industrial premises” means premises used or designed or suitable for use for the carrying on of any industrial undertaking and includes premises used for purposes ancillary to the carrying on of any such undertaking;

“industrial undertaking” includes any undertaking by which any process for, or incidental to, any of the following purposes is, or is intended to be, carried on—

- (a) the making of any article or substance, or part of any article or substance;
- (b) the altering, repairing, ornamenting, finishing, cleaning, washing, preserving, packing, canning, adapting for sale, breaking-up or demolition of any article or substance;
- (c) without prejudice to paragraph (b), the getting, dressing or preparation for sale of minerals or the extraction or preparation for sale of oil or brine,

being a process carried on in the course of a trade or business; and for the purposes of this definition, the expression “article” means an article of any description, including a^{F2} ship as defined in the Merchant Shipping Act 1995];

“owner” means the person for the time being receiving the rack rent of the lands or premises in connection with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if such land or premises were let at a rack rent;

“paving” includes metalling and flagging and all other methods of making a carriage-way, footway or footpath;

[^{F1} “ the Planning Act ” means the Planning Act (Northern Ireland) 2011;]

“premises” includes land;

“public body” means a body established by or under any statutory provision;

“public road” means a street which is maintainable at the expense of the Department;

“responsible person” has the meaning assigned to it by Article 36;

“statutory provision” has the meaning assigned to it by section 1(*f*) of the Interpretation Act (Northern Ireland) 1954 ;

“street” includes—

- (a) any highway, any public bridge and any road, lane, footpath, square, court, alley or passage, whether a thoroughfare or not;
- (b) any part of a street; and
- (c) any land which the Department, in exercise of street planning functions, determines shall be regarded as being comprised in a street for the purposes of Part III;

“street planning functions” has the meaning assigned to it by Article 3(2);

“street works” means any works for the sewerage, levelling, paving, channelling and making good of a street[^{F3} and includes the provision of proper means for lighting a street];

“transfer” in relation to premises or any estate therein includes any disposal of the premises or estate whether by sale, lease, exchange, gift or otherwise.

(3) For the purposes of this Order, the frontage of a building or proposed building on a street shall be deemed to be the frontage that the building itself and any land occupied or, as the case may be, proposed to be occupied, with the building and for the purposes thereof has or will have on the street.

(4) In ascertaining a majority in number of owners for the purposes of this Order, joint owners and owners holding as tenants in common shall be treated as one owner.

(5) In this Order “private street” means a street other than a public road and, for the purpose of the application of Part V in relation to any building, includes any land shown as a proposed street on plans deposited with respect to that building on a planning application under the [^{F4}Planning Act] or in accordance with building regulations; and the fact that a part of a street is a public road shall not prevent any other part thereof from being taken for the purposes of this Order to be a part of a private street.

F1 Words in art. 2(2) substituted (13.2.2015 for specified purposes, 1.4.2015 in so far as not already in operation) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 6 para. 25\(a\)](#) (with s. 211); S.R. 2015/49, arts. 2, 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

F2 1995 c. 21

F3 1992 NI 19

F4 Words in art. 2(5) substituted (13.2.2015 for specified purposes, 1.4.2015 in so far as not already in operation) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 6 para. 25\(b\)](#) (with s. 211); S.R. 2015/49, arts. 2, 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

Changes to legislation:

There are currently no known outstanding effects for the Private Streets (Northern Ireland) Order 1980, PART I.