
STATUTORY INSTRUMENTS

1992 No. 3203

The Private Streets (Amendment) (Northern Ireland) Order 1992

Adoption of private streets as public roads

7.—(1) In Article 7 of the principal Order for paragraph (4) there shall be substituted the following paragraphs—

“(4) Where—

- (a) a preliminary certificate under paragraph (2) and a certificate under paragraph (3) have been issued in respect of a street; and
- (b) no application under paragraph (4A) has been received by the Department within the period of 28 days beginning on the date on which the certificate under paragraph (3) was issued,

the Department shall on the expiry of that period declare the street to be a public road and the street shall be a public road from the date of the declaration.

(4A) The person to whom a preliminary certificate under paragraph (2) and a certificate under paragraph (3) have been issued in respect of a street may, within the period mentioned in paragraph (4)(b), make application to the Department requesting that the Department should not declare the street to be a public road under this Article.

(4B) Subject to paragraphs (4D) to (4F), on an application made to it under paragraph (4A) in respect of a private street the Department may—

- (a) grant the request in the application and not make any declaration under this Article in respect of the street; or
- (b) refuse the request and declare the street to be a public road;

and the decision of the Department on any such application shall be final.

(4C) Where the Department declares a street to be a public road under paragraph (4B) (b) the street shall be a public road from the date of the declaration.

(4D) Where an application is made to the Department under paragraph (4A) in respect of a private street and the Department is of the opinion that the request in the application should not be granted the Department shall issue notice to that effect to the applicant giving such reasons as it considers appropriate.

(4E) Before determining an application under paragraph (4A), the Department may, or if the applicant so requests within 28 days from the date of the notice under paragraph (4D) shall, afford to him an opportunity of appearing before and being heard by a person appointed for that purpose by the Planning Appeals Commission and considered by it to be qualified in that behalf.

(4F) Where a hearing is held under paragraph (4E), the Department shall consider any recommendations made by the person appointed under that paragraph.”

(2) In Article 7(8) of the principal Order for the words “thereafter incurred” there shall be substituted “incurred after the date of a declaration under paragraph (4) or (4B)(b)”.

(3) In Article 9 of the principal Order for the heading and paragraph (1) there shall be substituted—

“Adoption of streets on request of, or with consent of, owners or occupiers of adjoining land

9.—(1) This Article shall not apply to any street in respect of which the Department has exercised street planning functions, unless the Department has granted the request in an application under Article 7(4A) in respect of the street.”.