STATUTORY INSTRUMENTS

1993 No. 3160

The Roads (Northern Ireland) Order 1993

PART III

SPECIAL ROADS

Restrictions applying to special roads

Restriction on laying of mains, etc. in special roads

17.—(1) Subject to the following provisions of this Article, the powers conferred on a statutory undertaker by or under any statutory provision to lay down or erect any apparatus under or over any land shall not be exercisable in relation to any land comprised in the route of a special road except with the consent in writing of the Department.

(2) The consent of the Department shall not be required under this Article for the laying down or erection by a statutory undertaker of any apparatus by way of renewal of any apparatus for the time being vested in or belonging to the statutory undertaker.

(3) The consent of the Department under this Article may be given subject to conditions, but those conditions shall not include a condition requiring any payment to be made by the statutory undertaker to the Department in respect of the exercise of the powers to the exercise of which the consent is given.

(4) Where any apparatus in respect of which the consent of the Department is required under this Article is proposed to be laid down or erected along a line crossing the route of a special road but not running along that route, the Department—

(a) shall not withhold its consent under this Article unless there are special reasons for doing so; and

(b) may, if it gives its consent subject to conditions, make contributions to the statutory undertaker in respect of any expenses incurred by the statutory undertaker in complying therewith.

(5) Any dispute between the Department and any statutory undertaker in respect of—

(a) the withholding of the consent of the Department in respect of apparatus to be laid down or erected as mentioned in paragraph (4);

(b) the imposition of any condition on the grant of such consent; or

(c) the making of any contributions under paragraph (4)(b);

shall be determined by arbitration.

(6) This Article shall have effect in addition to and not in substitution for any other statutory provision restricting or regulating the powers of any statutory undertaker to break open roads or enter upon land for the purpose of laying down or erecting apparatus.

(7) This Article shall apply to the holder of a licence under Article 10(1) of the Electricity Order as it applies to a statutory undertaker.