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STATUTORY INSTRUMENTS

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**1993 No. 3160**

**The Roads (Northern Ireland) Order 1993**

**PART I**

**INTRODUCTORY**

**Interpretation**

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

(2) In this Order—

“bridge” includes a footbridge;

“building” includes any erection of whatsoever material in whatsoever manner constructed, any part of a building, and any addition to an existing building;

“carriageway” means a way constituted or comprised in a road being a way over which the public have a right of way for the passage of vehicles;

“classified road” means a road classified in accordance with Article 13;

“the Department” means the Department of the Environment;

“the Electricity Order” means the Electricity (Northern Ireland) Order 1992<sup>(2)</sup>;

“fence” includes a paling;

“footway” means a way comprised in a road which also comprises a carriageway, being a way over which the public have a right of way on foot only;

“maintenance compound” means an area (with or without buildings) used or to be used in connection with the maintenance of roads or a particular road;

“navigable waters” and “navigable watercourse” means waters and a watercourse, respectively, over which a public right of navigation exists;

“operator”, in relation to a telecommunications code system, has the same meaning as in Schedule 4 to the Telecommunications Act 1984<sup>(3)</sup>;

“owner”, in relation to land, means a person who is for the time being receiving a rent of not less than two-thirds of the net annual value of the land whether on his own account or as agent or trustee of any other person or who, if the land were let at such a rent, would receive it;

“planning permission” means planning permission granted under Article 25(1) of the Planning Order;

“the Planning Order” means the Planning (Northern Ireland) Order 1991<sup>(4)</sup>;

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(1) 1954 c. 33 (N.I.)

(2) 1992 NI 1

(3) 1984 c. 12

(4) 1991 NI 11

“proposed road” means land upon which the Department is for the time being constructing or intending to construct a road or part of a road in accordance with plans made by it;

“road” means a public road, that is to say a road which is maintainable by the Department, and includes—

- (a) a road over which the public have a right of way on foot only, not being a footway;
- (b) any part of a road; and
- (c) any bridge or tunnel over or through which a road passes;

and “special road” and “trunk road” shall be construed accordingly;

“the Road Traffic Order” means the Road Traffic (Northern Ireland) Order 1981(5);

“service area” means an area of land adjoining, or in the vicinity of, a special road, being an area in which there are, or are to be provided, service stations or other buildings or facilities to be used in connection with the use of the special road;

“special road” means a road designated as a special road under Article 15 and includes all land vested in or held by the Department for the purposes of its functions under Part III in connection with that road;

“statutory power” means a power conferred by or in accordance with this Order or any other statutory provision;

“statutory provision” has the same meaning as in section 1(f) of the Interpretation Act (Northern Ireland) 1954(6);

“statutory undertaker” means—

- (a) the Post Office;
- (b) the railway undertaking within the meaning of the Transport Act (Northern Ireland) 1967(7);
- (c) an undertaker within the meaning of the Gas (Northern Ireland) Order 1977(8);
- (d) any body or person authorised by any statutory provision to carry on any harbour or dock undertaking;
- (e) any other body or person prescribed by regulations made by the Department;

“swing bridge” includes a bridge which opens by any mechanical means;

“transferred provision” has the same meaning as in section 1(g) of the Interpretation Act (Northern Ireland) 1954;

“trunk road” means a road designated as a trunk road under Article 14;

“wall” includes any partition of whatsoever material constructed and any bank;

“telecommunication apparatus”, “the telecommunications code” and “telecommunications code system” have the same meanings as in Schedule 4 to the Telecommunications Act 1984(9).

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(5) 1981 NI 1  
(6) 1954 c. 33 (N.I.)  
(7) 1967 c. 37 (N.I.)  
(8) 1977 NI 7  
(9) 1984 c. 12