
STATUTORY INSTRUMENTS

1993 No. 3160

The Roads (Northern Ireland) Order 1993

PART VI

ABANDONMENT AND STOPPING-UP OF ROADS AND PRIVATE ACCESSES

Abandonment and stopping-up of roads

68.—(1) The Department may by order provide for—

- (a) the abandonment of any road; or
- (b) the stopping-up of any road.

(2) On the coming into operation of an order for the abandonment of a road—

- (a) the road shall cease to be maintainable by the Department; and
- (b) any public right of way over the road shall be extinguished.

(3) An order for the stopping-up of a road shall authorise the Department to carry out such works as it considers necessary to prevent or restrict to such extent as the Department thinks fit, access to the road by road traffic.

(4) No order shall be made under paragraph (1) in relation to a road unless—

- (a) the Department is of the opinion that the road is not necessary for road traffic or that another road is available which provides, or is capable, if improved, of providing, alternative facilities for road traffic; or
- (b) the order provides for the carrying out by the Department or any other person of such works as the Department considers necessary for the provision of alternative facilities for road traffic before the road is stopped-up or abandoned.

(5) An order made under paragraph (1) may—

- (a) provide for the retention or removal of any cables, wires, mains, pipes or other apparatus placed along, across, over or under the stopped-up or abandoned road; and
- (b) provide for the extinction, modification or preservation of any rights as to the use or maintenance of such cables, wires, mains, pipes or apparatus;

and may contain such consequential, incidental and supplementary provisions as appear to the Department to be necessary or expedient for the purposes of the order.

(6) The Department may by order under this paragraph—

- (a) revoke any order for the time being in operation under paragraph (1)(b); and
- (b) authorise the removal of any works carried out in pursuance of such an order.

(7) Where all the owners and occupiers of land adjoining a road request the Department in writing to make an order under paragraph (1) in respect of the road, the Department may make such an order if (in addition to the condition mentioned in paragraph (4)(a) or (b) being fulfilled) it is satisfied that provision has been made, upon terms agreed by all the owners and occupiers and the Department, for the payment by the owners and occupiers of—

- (a) the costs of any works which by any provision of the order the Department or any other person is required to carry out;
- (b) the expenses of the Department in making the order; and
- (c) compensation in respect of the extinction or modification by the order of any right of any person;

and, accordingly, where an order is made under paragraph (1) at the request of all the owners and occupiers of land adjoining the road, they shall meet the costs and expenses and pay the compensation mentioned above.

(8) Where the Department makes an order under paragraph (1) otherwise than at the request of all the owners and occupiers of land adjoining the road, the Department shall—

- (a) meet the costs of any works which by any provision of the order any person is required to carry out; and
- (b) pay compensation in respect of the extinction or modification by the order of any right of any person.

(9) Any question of disputed compensation arising under this Article shall be referred to and determined by the Lands Tribunal.