
STATUTORY INSTRUMENTS

1993 No. 3160

The Roads (Northern Ireland) Order 1993

[^{F1}PART 6A

RESTRICTION OF RIGHTS OVER ROAD

[^{F1}Procedure for orders under this Part

69D.—(1) Before making, varying or revoking a gating order a district council shall publish in the Belfast Gazette and once at least in each of two successive weeks in one or more newspapers circulating in the area in which the road to which the order relates is situated a notice—

- (a) stating the general effect of the proposed order;
- (b) specifying a place in that area where a copy of a draft of the order and of any relevant map or plan may be inspected by any person free of charge at all reasonable hours during a period of not less than 30 days from the date of the last publication of the notice; and
- (c) stating that, within that period, any person may, by notice to the council, inform it of the grounds upon which he objects to the making of the order.

(2) The district council shall, not later than the date on which the notice referred to in paragraph (1) is last published, serve a copy of the notice together with a copy of a draft of the order and of any relevant map or plan on—

- (a) the occupiers of premises adjacent to or adjoining the road, and
- (b) the owner of any cables, wires, mains, pipes or other apparatus placed along, across, over or under any road to which the order applies.

(3) In the case of an order under Article 69A(1) or 69C(1), the district council shall, not later than the date on which the notice referred to in paragraph (1) is last published, cause a copy of that notice to be displayed in a prominent position on the road to which the order relates.

(4) Where, before the expiration of the period referred to in paragraph (1)(b), the district council proposes to modify the terms of the draft of an order, the council shall give and publish, in such manner as appears to it to be appropriate, such additional notices as the council considers appropriate for informing all persons likely to be adversely affected by the modification.

(5) If, before the expiration of the period referred to in paragraph (1)(b), the district council receives an objection from any person on whom a copy of the notice is required to be served under paragraph (2) or from any other person appearing to it to be affected, it shall, subject to paragraph (6), cause a local inquiry to be held unless the objection is withdrawn.

(6) Unless the objection is made by a person on whom a notice was served under paragraph (2)(b), the district council may dispense with an inquiry if it is satisfied that it is unnecessary to hold one.

(7) The provisions of Schedule A1 to the Interpretation Act (Northern Ireland) 1954 (c. 33) shall apply in relation to any local inquiry which a district council causes to be held under paragraph (5) as they apply to an inquiry held as mentioned in section 23 of that Act, but with the following modifications—

- (a) in paragraph 1 for the reference to section 23 of that Act substitute a reference to paragraph (5) of this Article and omit the definition of “the Department”;
- (b) in paragraphs 2 to 7 for any reference to the Department substitute a reference to the district council causing the inquiry to be held; and
- (c) in paragraph 7(1) omit the words “, with the approval of the Department of Finance and Personnel,”.

(8) After considering—

- (a) any objections to the proposed order which are not withdrawn; and
- (b) where a local inquiry is held, the report of the person who held it,

the district council may make the order either without modifications or subject to such modifications as it thinks fit.

(9) If it appears to the district council that in any order under this Part the description of any road is in any respect incorrect or insufficiently clear, the council may by order make such modifications in the provisions of that order as may be necessary for correcting or clarifying that description.

(10) Paragraphs (1) to (8) do not apply to an order under paragraph (9), but the council shall publish notice of the making of that order in one or more than one newspaper circulating in the area to which the order relates.]

F1	Pt. 6A inserted (1.4.2012) by Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (c. 23), ss. 1, 78 ; S.R. 2012/13, art. 2(2), Sch. 2
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Changes to legislation:

There are currently no known outstanding effects for the The Roads (Northern Ireland) Order 1993, Section 69D.