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STATUTORY INSTRUMENTS

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**1995 No. 3210**

**The Street Works (Northern Ireland) Order 1995**

*Street works licences*

**Prohibition of unauthorised street works**

12.—(1) It is an offence for a person other than the street authority—

- (a) to place apparatus in a street, or
- (b) to break up or open a street, or a sewer, drain or tunnel under it, or to tunnel or bore under a street, for the purpose of placing, inspecting, maintaining, adjusting, repairing, altering or renewing apparatus, or of changing the position of apparatus or removing it,

otherwise than in pursuance of a statutory right or a street works licence.

(2) A person committing an offence under this Article is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) This Article does not apply to—

- (a) works for road purposes,
- (b) emergency works of any description,
- (c) works done with the consent of the Department given under the Roads Order,
- (d) works done under the authority of a licence issued by the Department under the Roads Order,
- (e) works required to be carried out by a notice to which Article 58 of the Roads Order applies, or
- (f) works done by, or under the direction of, a constable which do not involve the breaking up or opening of a street.

(4) If a person commits an offence under this Article, the street authority may—

- (a) in the case of an offence under paragraph (1)(a), direct him to remove the apparatus in respect of which the offence was committed, and
- (b) in any case, direct him to take such steps as appear to the authority necessary to reinstate the street or any sewer, drain or tunnel under it.

If he fails to comply with the direction, the authority may remove the apparatus or, as the case may be, carry out the necessary works and recover from him the costs reasonably incurred by it in doing so.