
STATUTORY INSTRUMENTS

1995 No. 3210

The Street Works (Northern Ireland) Order 1995

Apparatus affected by road, bridge or transport works

Works for road purposes likely to affect apparatus in the street

43.—(1) This Article applies to works for road purposes other than major road works (as to which see Article 44).

(2) Where works to which this Article applies are likely to affect apparatus in the street, the authority executing the works shall take all reasonably practicable steps—

- (a) to give the person to whom the apparatus belongs reasonable facilities for monitoring the execution of the works, and
- (b) to comply with any requirement made by him which is reasonably necessary for the protection of the apparatus or for securing access to it.

(3) An authority (other than the Department) which fails to comply with paragraph (2) commits an offence in respect of each failure and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(4) In proceedings against an authority for such an offence it is a defence for it to show that the failure was attributable—

- (a) to its not knowing the position, or not knowing the existence, of a person's apparatus, or
 - (b) to its not knowing the identity or address of the person to whom any apparatus belongs,
- and that its ignorance was not due to any negligence on its part or to any failure to make inquiries which it ought reasonably to have made.