
STATUTORY INSTRUMENTS

1995 No. 3210

The Street Works (Northern Ireland) Order 1995

Apparatus affected by road, bridge or transport works

Measures necessary where apparatus affected by major works

44.—(1) Where an undertaker's apparatus in a street is or may be affected by major road works, major bridge works or major transport works, the authority concerned and the undertaker shall take such steps as are reasonably required—

- (a) to identify any measures needing to be taken in relation to the apparatus in consequence of, or in order to facilitate, the execution of the works of the authority concerned,
- (b) to settle a specification of the necessary measures and determine by whom they are to be taken, and
- (c) to co-ordinate the taking of those measures and the execution of the works of the authority concerned,

so as to secure the efficient implementation of the necessary work and the avoidance of unnecessary delay.

(2) The Department may issue or approve for the purposes of this Article a code of practice giving practical guidance as to the matters mentioned in paragraph (1) and the steps to be taken by the authority concerned and the undertaker.

(3) Any dispute between the authority concerned and the undertaker as to any of the matters mentioned in paragraph (1) shall, in default of agreement, be settled by arbitration.

(4) If the authority concerned or the undertaker fails to comply with an agreement between them as to any of those matters, or with the decision of the arbitrator under paragraph (3), the authority concerned or undertaker shall be liable to compensate the other in respect of any loss or damage resulting from the failure.

(5) The authority concerned for the purposes of this Article and Article 45 is—

- (a) in the case of major road works, the Department,
- (b) in the case of major bridge works, the bridge authority, and
- (c) in the case of major transport works, the transport authority.