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STATUTORY INSTRUMENTS

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**1995 No. 3210**

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

*Provisions with respect to particular authorities and undertakings*

**Provisions as to reinstatement of sewers, drains or tunnels.**

**49.**—(1) The duties of an undertaker under this Order with respect to reinstatement of the street extend, in the case of street works which involve breaking up or opening a sewer, drain or tunnel, to the reinstatement of the sewer, drain or tunnel.

(2) The responsible authority may by notice require an undertaker who has failed to comply with his duties under this Order with respect to reinstatement to carry out the necessary remedial works within such period of not less than 7 working days as may be specified in the notice.

If he fails to comply with the notice, the authority may carry out the necessary works and recover from him the costs reasonably incurred by it in doing so.

(3) If it appears to the responsible authority that a failure by an undertaker to comply with his duties under this Order as to reinstatement is causing danger to users of the street, the authority may carry out the necessary works without first giving notice and may recover from him the costs reasonably incurred by it in doing so.

The authority shall, however, give notice to him as soon as reasonably practicable stating its reasons for taking immediate action.

(4) The responsible authority for the purposes of this Article is—

- (a) in the case of a public sewer, the Department, and
- (b) in the case of any other sewer, drain or tunnel, the authority, body or person having the management or control of it.