STATUTORY INSTRUMENTS

1995 No. 3210

The Street Works (Northern Ireland) Order 1995

Notice and co-ordination of works

Advance notice of certain works

14.—(1) In such cases as may be prescribed an undertaker proposing to execute street works shall give the prescribed advance notice of the works to the street authority.

(2) The notice shall contain such information as may be prescribed.

(3) After giving advance notice under this Article an undertaker shall comply with such requirements as may be prescribed, or imposed by the street authority, as to the providing of information and other procedural steps to be taken for the purpose of co-ordinating the proposed works with other works of any description proposed to be executed in the street.

(4) An undertaker who fails to comply with his duties under this Article commits an offence and is liable on summary conviction to a fine not exceeding **[**[F1]level 4**]** on the standard scale.

F1 Words in art. 14(4) substituted (1.10.2007) by Street Works (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/287 (N.I. 1)), arts. 1(3), **25(1)(a)** (with art. 25(5)); S.R. 2007/365, **art. 2**, Sch.

Notice of starting date of works

15.—(1) An undertaker proposing to begin to execute street works involving—

(a) breaking up or opening the street, or any sewer, drain or tunnel under it, or

(b) tunnelling or boring under the street,

shall give not less than 7 working days' notice (or such other notice as may be prescribed) to the street authority, to any other relevant authority and to any other person having apparatus in the street which is likely to be affected by the works.

(2) Cases may be prescribed under paragraph (1) in which no notice is required.

(3) The notice shall state the date on which it is proposed to begin the works and shall contain such other information as may be prescribed.

(4) Where notice is required to be given under this Article, the works shall not be begun without notice or before the end of the notice period, except with the consent of those to whom notice is required to be given.

(5) An undertaker who begins to execute any works in contravention of this Article commits an offence and is liable on summary conviction to a fine not exceeding **[**[F2] level 4**]** on the standard scale.

(6) In proceedings against a person for such an offence it is a defence for him to show that the contravention was attributable—

(a) to his not knowing the position, or not knowing of the existence, of another person's apparatus, or

(b) to his not knowing the identity or address of—

(i) a relevant authority, or

(ii) the person to whom any apparatus belongs,

and that his ignorance was not due to any negligence on his part or to any failure to make inquiries which he ought reasonably to have made.

(7) A notice under this Article shall cease to have effect if the works to which it relates are not substantially begun before the end of the period of 7 working days (or such other period as may be prescribed) beginning with the starting date specified in the notice, or such further period as may be allowed by those to whom notice is required to be given.

F2 Words in art. 15(5) substituted (1.10.2007) by Street Works (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/287 (N.I. 1)), arts. 1(3), **25(1)(b)** (with art. 25(5)); S.R. 2007/365, **art. 2**, Sch.

Power to give directions as to timing of street works

16.—(1) If it appears to the street authority—

(a) that proposed street works are likely to cause serious disruption to traffic, and

(b) that the disruption would be avoided or reduced if the works were carried out only at certain times,

the authority may give the undertaker such directions as may be appropriate as to the times when the works may or may not be carried out.

(2) The procedure for giving a direction shall be prescribed by the Department.

(3) An undertaker who executes works in contravention of a direction under this Article commits an offence and is liable on summary conviction to a fine not exceeding **[**[F3]level 5**]** on the standard scale.

(4) The Department may issue or approve for the purposes of this Article a code of practice giving practical guidance as to the exercise of the power conferred by this Article; and in exercising that power street managers shall have regard to the code of practice.

F3 Words in art. 16(3) substituted (1.10.2007) by Street Works (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/287 (N.I. 1)), arts. 1(3), **25(2)(b)** (with art. 25(5)); S.R. 2007/365, **art. 2**, Sch.

PROSPECTIVE

[[F4]**Power to give directions as to placing of apparatus**

16A.—(1) Where—

(a) an undertaker is proposing to execute street works consisting of the placing of apparatus in a street ("street A"),

(b) placing the apparatus in street A is likely to cause disruption to traffic, and

(c) it appears to the street authority that—

(i) there is another street ("street B") in which the apparatus could be placed, and

(ii) the conditions in paragraph (2) are satisfied,

the authority may by direction require the undertaker not to place the apparatus in street A (but may not require him to place the apparatus in street B).

(2) The conditions referred to in paragraph (1)(c) are that—

(a) disruption to traffic would be avoided or reduced if the apparatus were to be placed in street B;

(b) placing the apparatus in street B would be a reasonable way of achieving the purpose for which the apparatus is to be placed; and

(c) it is reasonable to require the undertaker not to place the apparatus in street A.

(3) A direction under this Article may be varied or revoked by a further such direction.

(4) The procedure for giving a direction under this Article shall be prescribed.

(5) The Department may by regulations make provision for or in connection with appeals to the planning appeals commission against directions under this Article.

(6) An undertaker who executes works in contravention of a direction under this Article commits an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(7) An undertaker shall be taken not to have failed to fulfil any statutory duty to afford a supply or service if, or to the extent that, his failure is attributable to a direction under this Article.

(8) The Department may issue or approve for the purposes of this Article a code of practice giving practical guidance as to the exercise by street authorities of the power conferred by this Article; and in exercising that power street authorities shall have regard to the code of practice.**]**

F4 Art. 16A inserted (prosp.) by Street Works (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/287 (N.I. 1)), arts. 1(3), **8**

Notice of emergency works

17.—(1) Nothing in Article 14 (advance notice), Article 15 (notice of starting date) or Article 16 (directions as to timing of works) affects the right of an undertaker to execute emergency works.

(2) An undertaker executing emergency works shall, if the works are of a kind in respect of which notice is required by Article 15, give notice as soon as reasonably practicable, and in any event within 2 hours (or such other period as may be prescribed) of the works being begun, to the persons to whom notice would be required to be given under that Article.

(3) The notice shall state his intention or, as the case may be, the fact that he has begun to execute the works and shall contain such other information as may be prescribed.

(4) An undertaker who fails to give notice in accordance with this Article commits an offence and is liable on summary conviction to a fine not exceeding **[**[F5]level 4**]** on the standard scale.

(5) In proceedings against a person for such an offence it is a defence for him to show that the contravention was attributable—

(a) to his not knowing the position, or not knowing of the existence, of another person's apparatus, or

(b) to his not knowing the identity or address of—

(i) a relevant authority, or

(ii) the person to whom any apparatus belongs,

and that his ignorance was not due to any negligence on his part or to any failure to make inquiries which he ought reasonably to have made.

F5 Words in art. 17(4) substituted (1.10.2007) by Street Works (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/287 (N.I. 1)), arts. 1(3), **25(1)(c)** (with art. 25(5)); S.R. 2007/365, **art. 2**, Sch.

Restriction on works following substantial road works

18.—(1) Where it is proposed to carry out substantial road works in a street, the street authority may by notice in accordance with this Article restrict the execution of street works during the 12 months following the completion of those works.
For this purpose substantial road works means works for road purposes, or such works together with other works, of such description as may be prescribed.

(2) The notice shall be published in the prescribed manner and shall specify the nature and location of the proposed works, the date (not being less than 3 months after the notice is published, or first published) on which it is proposed to begin the works, and the extent of the restriction.

(3) A copy of the notice shall be given to each of the following—

(a) where there is a public sewer in the part of the street to which the restriction relates, **[**[F6]the sewer authority**]** ,

(b) where the part of the street to which the restriction relates is carried or crossed by a bridge vested in a transport authority, or crosses or is crossed by any other property held or used for the purposes of a transport authority, that authority,

(c) where in any other case the part of the street to which the restriction relates is carried or crossed by a bridge, the bridge authority,

(d) any person who has given notice under Article 14 (advance notice of certain works) of his intention to execute street works in the part of the street to which the restriction relates, and

(e) any other person having apparatus in the part of the street to which the restriction relates;

but a failure to do so does not affect the validity of the restriction imposed by the notice.

(4) A notice ceases to be effective if the works to which it relates are not substantially begun—

(a) on or within one month from the date specified in the notice, or

(b) where street works are in progress on that date in the part of the street to which the restriction relates, within one month from the completion of those works.

(5) An undertaker shall not in contravention of a restriction imposed by a notice under this Article break up or open the part of the street to which the restriction relates, except—

(a) to execute emergency works,

(b) with the consent of the street authority, or

(c) in such other cases as may be prescribed.

(6) If he does—

(a) he commits an offence and is liable on summary conviction to a fine not exceeding **[**[F7]level 5**]**on the standard scale, and

(b) he is liable to reimburse the street authority any costs reasonably incurred by it in reinstating the street.

(7) The consent of the street authority under paragraph (5)(b) shall not be unreasonably withheld; and any question whether the withholding of consent is unreasonable shall be settled by arbitration.

(8) An undertaker shall be taken not to have failed to fulfil any statutory duty to afford a supply or service if, or to the extent that, his failure is attributable to a restriction imposed by a notice under this Article.

F6 Words in art. 18(3)(a) substituted (1.4.2007) by Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336 (N.I. 21)), arts. 1(2), 308, **Sch. 12 para. 35(3)** (with arts. 8(8), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (subject to art. 3, Sch. 2)

F7 Words in art. 18(6)(a) substituted (1.10.2007) by Street Works (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/287 (N.I. 1)), arts. 1(3), **25(2)(c)** (with art. 25(5)); S.R. 2007/365, **art. 2**, Sch.

PROSPECTIVE

[F8Restriction on works following substantial street works

18A. Schedule 1A shall have effect.**]**

F8 Art. 18A inserted (prosp.) by Street Works (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/287 (N.I. 1)), arts. 1(3), **10(1)**

General duty of street authority to co-ordinate works

19.—(1) A street authority shall use its best endeavours to co-ordinate the execution of works of all kinds (including works for road purposes) in the streets for which it is responsible—

(a) in the interests of safety,

(b) to minimise the inconvenience to persons using the street (having regard, in particular, to the needs of people with a disability), and

(c) to protect the structure of the street and the integrity of apparatus in it.

(2) That duty extends to co-ordination with other street authorities where works in a street for which one authority is responsible affect streets for which other authorities are responsible.

(3) The Department shall issue or approve for the purposes of this Article codes of practice giving practical guidance as to the matters mentioned above; and in discharging their general duty of co-ordination street managers shall have regard to any such code of practice.

(4) If it appears to the Department that street managers are not properly discharging their general duty of co-ordination, the Department may direct the street managers to supply it with such information as the Department considers necessary to enable the Department to decide whether that is the case and if so what action to take.
The direction shall specify the information to be provided and the period within which it is to be provided.

(5) If after the end of that period (whether or not the direction has been complied with) it appears to the Department that the street managers are not properly discharging their general duty of co-ordination, the Department may direct the street managers to take such steps as the Department considers appropriate for the purpose of discharging duty.
The direction shall specify the steps to be taken and the period within which they are to be taken, and may include a requirement to make a report or periodic reports to the Department as to what steps have been taken and the results of taking them.

(6) A direction under this Article may be varied or revoked by a further direction.

General duty of undertakers to co-operate

20.—(1) An undertaker shall as regards the execution of street works use his best endeavours to co-operate with the street authority and with other undertakers—

(a) in the interests of safety,

(b) to minimise the inconvenience to persons using the street (having regard, in particular, to the needs of people with a disability), and

(c) to protect the structure of the street and the integrity of apparatus in it.

(2) The Department shall issue or approve for the purposes of this Article codes of practice giving practical guidance as to the matters mentioned in paragraph (1); and—

(a) so far as an undertaker complies with such a code of practice he shall be taken to comply with his duty under that paragraph, and

(b) a failure in any respect to comply with any such code is evidence of failure in that respect to comply with that duty.

(3) An undertaker who fails to comply with his duty under paragraph (1) commits an offence and is liable on summary conviction to a fine not exceeding **[**[F9]level 5**]** on the standard scale.

F9 Words in art. 20(3) substituted (1.10.2007) by Street Works (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/287 (N.I. 1)), arts. 1(3), **25(2)(d)** (with art. 25(5)); S.R. 2007/365, **art. 2**, Sch.

Status:
Point in time view as at 01/10/2007. This version of this part contains provisions that are prospective.

Changes to legislation:
The Street Works (Northern Ireland) Order 1995, Notice and co-ordination of works is up to date with all changes known to be in force on or before 22 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.