

SCHEDULES

SCHEDULE 3

Amendments

The Land Powers (Defence) Act 1958 (c. 30)

1. After section 18A, insert—

“Modification of street works provisions in Northern Ireland

18B.—(1) In relation to works in Northern Ireland in exercise of the powers under a wayleave order, the provisions of the Street Works (Northern Ireland) Order 1995 have effect subject to the provisions of this section.

(2) The provisions of Schedule 2 to that Order (settlement of plan and section for works in streets with special engineering difficulties) have effect subject as follows—

- (a) an objection to a plan and section in form shall be disregarded if a Minister certifies that in his opinion it would be against the national interest to submit a plan and section on a larger scale or giving further particulars;
- (b) no modification of a plan and section shall be made which would involve an unacceptable diversion or change; and
- (c) a plan and section shall not be disapproved on the ground that there should be such a diversion or change.

(3) An arbitrator appointed in pursuance of—

- (a) paragraph 8(2) of Schedule 2 to that Order (settlement of plan and section in case of works in street with special engineering difficulties), or
- (b) Article 44(3) of that Order (settlement of necessary measures in case of apparatus affected by certain major works),

shall not provide for an unacceptable diversion or change.

(4) In subsections (2) and (3) above an “unacceptable diversion or change” means—

- (a) a lateral diversion of a government oil pipe-line to which the Minister on whose behalf the works are to be executed does not consent, or
- (b) a change of the site of accessory works which would necessitate such a diversion.”.