

## SCHEDULES

### SCHEDULE 3

#### Amendments

#### *The Roads (Northern Ireland) Order 1993 (NI 15)*

29. After Article 97 (removal of builders' skips) insert—

**“Builders' skips: charge for occupation of road**

**97A.**—(1) The Department may make provision by regulations requiring the owner of a builder's skip deposited on a road to pay a charge to the Department where—

- (a) the period for which the skip remains in the road exceeds such period as may be prescribed, and
- (b) the skip is not removed within a reasonable period.

(2) In paragraph (1) “a reasonable period” means such period as is agreed by the Department and the owner of the skip to be reasonable or, in default of such agreement, is determined by arbitration to be reasonable in the circumstances.

(3) In default of agreement, the Department's view as to what is a reasonable period shall be acted upon pending the decision of the arbitrator.

(4) Regulations made under paragraph (1) may provide that if the owner of a builder's skip proposing to cause or permit the skip to be deposited on a road submits to the Department an estimate of the likely duration of the occupation of the road—

- (a) in a case where the consent of the Department to the deposit of the skip is required by virtue of Article 96(3), together with his application for such consent, and
- (b) in any other case, before such time as may be prescribed,

the period stated in the estimate shall be taken to be agreed by the Department to be reasonable unless the Department gives notice, in such manner and within such period as may be prescribed, objecting to the estimate.

(5) The regulations may also provide that if it appears to the owner of the skip that by reason of matters not previously foreseen or reasonably foreseeable the duration of the occupation of the road—

- (a) is likely to exceed the prescribed period,
- (b) is likely to exceed the period stated in his previous estimate, or
- (c) is likely to exceed the period previously agreed or determined to be a reasonable period,

he may submit an estimate or revised estimate accordingly, and that if he does so any previous estimate, agreement or determination shall cease to have effect and the period stated in the new estimate shall be taken to be agreed by the Department to be reasonable unless the Department gives notice, in such manner and within such period as may be prescribed, objecting to the estimate.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(6) The amount of the charge shall be determined in such manner as may be prescribed by reference to the period for which the road is occupied by the skip and the extent of the occupation.

(7) The regulations may make provision as to the time and manner of making payment of any charge.

(8) The regulations shall provide that the Department may reduce the amount, or waive payment, of a charge in any particular case, in such classes of case as the Department may decide or as may be prescribed, or generally.

(9) In this Article “prescribed” means prescribed by regulations made by the Department.”.