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STATUTORY INSTRUMENTS

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**2007 No. 287**

**The Street Works (Amendment) (Northern Ireland) Order 2007**

*Charges, fees, contributions, etc.*

**Fees for inspections**

**20.** For Article 35 of the 1995 Order (inspection fees) there is substituted—

**“Inspection fees**

**35.—**(1) The Department may make provision by regulations requiring an undertaker to pay to the street authority the prescribed fee in respect of—

- (a) all inspections carried out by the authority of his street works; or
- (b) such inspections of those works as may be prescribed.

(2) The regulations may—

- (a) require undertakers to make payments in respect of inspections anticipated to take place within a prescribed period; and
- (b) make provision for the striking of an account between an undertaker and a street authority and the making of any necessary payment or repayment.

(3) The power to make different provision under this Article for different cases includes power—

- (a) to make different provision for different descriptions of street authority or different descriptions of undertakers (including descriptions framed by reference to their previous performance);
- (b) to prescribe different fees by reference to the nature or extent of the excavation or other works, the place where they are executed and such other factors as appear to the Department to be relevant.

(4) The reference in paragraph (3)(a) to the previous performance of an undertaker is to the performance of the undertaker, during such period as may be prescribed, as respects such description of his duties under this Order as may be prescribed.

(5) The regulations may require disputes of any prescribed description to be determined by arbitration.

(6) Nothing in this Article applies to inspections in respect of which the undertaker is obliged to bear the cost, or pay the prescribed fee, under Article 32(2) (inspections consequent on failure to comply with duties as to reinstatement).”