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DRAFT STATUTORY INSTRUMENTS

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**2007 No.**

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

*Charges, fees, contributions, etc.*

**Charges where works unreasonably prolonged**

**18.**—(1) Article 34 of the 1995 Order (charges where works unreasonably prolonged) is amended as follows.

(2) After paragraph (2) insert—

“(2A) The regulations may prescribe exemptions from the requirement to pay charges.”.

(3) In paragraph (3)—

(a) for “may submit to the Department” substitute “shall give to the Department, in such manner as may be prescribed, notice containing”, and

(b) for “so submitted” substitute “contained in a notice given to the Department in such manner”.

(4) In paragraph (4), for “may submit” substitute “shall give to the Department, in such manner as may be prescribed, notice containing”.

(5) After paragraph (5) insert—

“(5A) The regulations may—

(a) prescribe more than one rate of charge in respect of the same description of works, and

(b) provide that charges are to be paid in respect of any works of that description at the rate which appears to the Department to be appropriate in relation to those works.

(5B) The regulations may—

(a) make provision for the determination of the duration of works for the purposes of the regulations;

(b) in particular, make provision for works to be treated as beginning or ending on the giving of, or as stated in, a notice given by the undertaker to the Department, in the prescribed manner, in accordance with a requirement imposed by the regulations.”.

(6) In paragraph (7), for the words from “a charge” to the end substitute “charges—

(a) in any particular case,

(b) in such classes of case as it may decide or as may be prescribed, or

(c) in all cases or in all cases other than a particular case or such class of case as it may decide or as may be prescribed.”.

(7) After that paragraph insert—

“(7A) The regulations may create in respect of any failure to give a notice required by the regulations a criminal offence triable summarily and punishable with a fine not exceeding level 4 on the standard scale.”.