STATUTORY RULES OF NORTHERN IRELAND

2005 No. 259

ROADS
STREET WORKS

The Street Works (Inspection Fees) Regulations (Northern Ireland) 2005

Made - - - -	*16th May 2005*
Coming into operation	*1st July 2005*

The Department for Regional Development(**1**), in exercise of the powers conferred by Article 35 of the Street Works (Northern Ireland) Order 1995(**2**) and now vested in it(**3**) and of every other power enabling it in that behalf hereby makes the following regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as The Street Works (Inspection Fees) Regulations (Northern Ireland) 2005 and shall come into operation on 1st July 2005.

(2) These Regulations shall apply to streets for which the Department is the street authority in accordance with Article 7(1)(a) of the Order.

Interpretation

2. In these Regulations –

"the Order" means the Street Works (Northern Ireland) Order 1995;

"service pipe" and "service line" have the same meaning as in paragraph 7(3) of Schedule 2 to the Order;

"year" means a year starting on 1st April and ending on 31st March.

(**1**) S.I.1999/283 (N.I. 1) Article 3(1)
(**2**) S.I. 1995/3210 (N.I. 19) Article 2(2)
(**3**) S.R. 1999 No. 481 Article 6(d) and Schedule 4 Part IV

Fees, chargeable inspections, units of inspection, phases of works and estimated numbers of units of inspection

3.—(1) An undertaker shall pay to the Department a fee of £21·00 for each chargeable inspection carried out by the Department, of works involving the excavation or reinstatement of any part of a street.

(2) For the purposes of this regulation, subject to paragraph (6), a chargeable inspection of works is an inspection at random of not more than 10.5 per cent of each phase of works, and not more than 30 per cent of the total number of actual units of inspection in any year.

(3) For the purposes of this regulation, a unit of inspection is –

(a) a single excavation not exceeding 200 metres in length; or

(b) more than one and not more than 5 excavations and, in the case of works relating to service pipes and service lines, not more than 10 excavations, provided that –

(i) all the excavations are in the same street; and

(ii) all the excavations are part of the same works; and

(iii) all the excavations are made within a period of 10 working days; and

(iv) each excavation is within 500 metres of every other excavation; and

(v) the aggregate length of all the excavations does not exceed 200 metres; or

(c) in the case of an excavation longer than 200 metres each length of 200 metres within the length of that excavation or the balance of such length.

(4) For the purposes of this regulation, the phases of works are –

(a) the period when any interim or permanent reinstatement of any excavation is being done;

(b) the period of 6 months starting with the day on which the interim or permanent reinstatement is completed; and

(c) the period of 3 months immediately preceding the end of the guarantee period, being the period of 2 years from the date notification has been received of the completion of permanent reinstatement or, in the case of excavations to a depth exceeding 1.5 metres to the top of the apparatus over a length of 5 metres or more, the period of 3 years.

(5) For the purposes of this regulation, save as provided in paragraph (6), the number of actual units of inspection in a year is the average of the number of units of inspection for the undertaker per year calculated over the 3 immediately preceding years.

(6) Where an undertaker has not previously executed any street works in streets to which these Regulations apply, the undertaker shall provide the Department with an estimate of the number of units of inspection they expect to generate in each of the first 3 years ("estimated number of units of inspection"). In these circumstances, a chargeable inspection of works shall be calculated in accordance with paragraph (2) except that the calculation shall be based on the estimated number of units of inspection, rather than the number of actual units of inspection.

Disputes

4. Any dispute between an undertaker and the Department with regard to any questions arising under these Regulations shall, if it cannot be resolved by agreement, be referred to an arbitrator in accordance with the provisions of Article 55 of the Order.

5. The Street Works (Inspection Fees) Regulations (Northern Ireland) 2001(**4**) are hereby revoked.

(**4**) S.R. 2001 No. 409