STATUTORY RULES OF NORTHERN IRELAND

2004 No. 276

ROADS
STREET WORKS

Street Works (Records) Regulations (Northern Ireland) 2004

Made - - - -	*28th June 2004*
Coming into operation	*1st October 2004*

The Department for Regional Development(**1**), in exercise of the powers conferred by Article 39(1) and (2) of the Street Works (Northern Ireland) Order 1995(**2**) and now exercisable by 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 (Records) Regulations (Northern Ireland) 2004 and shall come into operation on 1st October 2004.

(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 –

"a geographical information system" means a computer system for capturing, storing, checking, integrating, manipulating, analysing and displaying data related to spatial locations;

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

"service pipe and service line" means apparatus of any length of the descriptions contained in paragraph 7(3)(a), (b) or (c) of Schedule 2 to the Order;

"urgent works" means street works (not being emergency works) whose execution at the time they are executed is required (or which the person responsible for the works believes on reasonable grounds to be required) –

(a) to prevent or put an end to an unplanned interruption of any supply or service provided by the undertaker;

(b) to avoid substantial loss to the undertaker in relation to an existing service; or

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

(c) to reconnect supplies or services where the undertaker would be under a civil or criminal liability if the reconnection is delayed until after the expiration of the appropriate notice period,

and includes works which cannot reasonably be severed from such works.

Form of Records

3.—(1) Subject to regulation 5, a record of every item of apparatus belonging to an undertaker and placed in the street shall be kept by that undertaker on paper, or, subject to regulation 4, in the form of an electronic record, or a combination of both, and shall be prepared in the form of:

(a) a location or route map recorded on a map background which is:

(i) related to the Ordnance Survey Irish Grid, subject to paragraph (2); and

(ii) prepared to an accuracy at least equivalent to the scale of Ordnance Survey map which is nearest to the scale of that map background; or

(b) a statement of Irish Grid co-ordinates derived from a geographical information system.

(2) Ordnance Survey County Series Mapping may only be used to record the location or route map for a period not exceeding five years from the date on which these Regulations come into operation ("the transitional period"), and records made in this way shall be transferred into one of the other forms prescribed by paragraph (1) by no later than the end of the transitional period.

(3) In preparing the record, the location and route of the apparatus shall be recorded so that the measured position shall be within 300mm of the actual position and the recorded position shall be within 500mm of the actual position.

Electronic Records

4. Where an electronic record is kept pursuant to regulation 3, it shall be capable of being reproduced in a sufficiently legible form to comply with the duty imposed by Article 39(3) of the Order (duty to make records available for inspection).

Exceptions

5. The duty in Article 39(1) of the Order to keep a record of the location of every item of apparatus shall not apply –

(a) where compliance would lead to the disclosure of the following types of restricted information:

(i) information certified by or with the authority of the Secretary of State as being restricted information in the interest of national security;

(ii) information certified by or with the authorisation of an undertaker as being restricted information in accordance with the commercial interests of the undertaker;

(b) to any apparatus placed by an undertaker in the street within its existing apparatus where the location of the existing apparatus has already been recorded in a form prescribed by regulation 3;

(c) to any apparatus placed in the street prior to the date on which these Regulations came into operation;

(d) to any apparatus belonging to an undertaker which is discovered by him in the street during the course of emergency works or urgent works carried out by him;

(e) to any apparatus not installed underground; and

(f) to service pipes and service lines.