STATUTORY RULES OF NORTHERN IRELAND

2004 No. 227 (C. 8)

ROADS
STREET WORKS

The Street Works (1995 Order) (Commencement No. 6) Order (Northern Ireland) 2004

Made - - - - 14th May 2004

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

Citation

1. This Order may be cited as the Street Works (1995 Order) (Commencement No. 6) Order (Northern Ireland) 2004.

Appointed day

2. The day appointed for the coming into operation of Article 39(1)(a) and (b), (2), (3), (4) and (5) of the Street Works (Northern Ireland) Order 1995 shall be 21st June 2004.

Sealed with the Official Seal of the Department for Regional Development on 14th May 2004.

J. Carlisle
A senior officer of the
Department for Regional Development

(**1**) S.I.1999/283 Article 3(1)
(**2**) S.I. 1995/3210 (N.I. 19)
(**3**) Section 95(5) of and paragraph 11(2) of Schedule 12 to 1998 c. 47 and section 1(8) of and paragraph 4(1)(b) of the Schedule to 2000 c. 1

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order brings into operation on 21st June 2004 paragraphs (1)(a) and (b), (2), (3), (4) and (5) of Article 39 of the Street Works (Northern Ireland) Order 1995.

Paragraphs (1)(a) and (b) require an undertaker, except in such cases as may be prescribed, to record the location of every item of apparatus belonging to him as soon as reasonably practicable after placing it in the street or altering its position or locating it in the street in the course of executing any other works. Paragraph (2) requires the records to be kept up to date and in such form and manner as the Department may prescribe. Paragraph (3) requires an undertaker to make his records available for inspection, at all reasonable hours and free of charge.

Paragraph (4) makes it an offence for an undertaker to fail to comply with his duties under Article 39 and makes him liable to compensate any person in respect of damage or loss incurred by that person in consequence of the failure. Paragraph (5) provides that in criminal or civil proceedings arising out of any such failure it is a defence for the undertaker to show that all reasonable care was taken to secure that no such a failure occurred.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order.)

The following provisions of the Street Works (Northern Ireland) Order 1995 have been brought into operation by earlier commencement orders as from the dates shown.

Provision	*Date of Commencement*	*S.R. Number*
Articles 1 to 10	3rd June 1996	S.R. 1996 No. 223 (C. 10)
Articles 11, 12 and 13(1) to (3)	18th November 2001	S.R. 2001 No. 388 (C. 18)
Article 13(4)	3rd June 1996	S.R. 1996 No. 223 (C. 10)
Articles 14, 15 and 16(1) and (3)	18th November 2001	S.R. 2001 No. 388 (C. 18)
Article 16(2) and (4)	3rd June 1996	S.R. 1996 No. 223 (C. 10)
Article 17	18th November 2001	S.R. 2001 No. 388 (C. 18)
Article 18	3rd June 1996	S.R. 1996 No. 223 (C. 10)
Article 19(1), (2), (4), (5) and (6)	18th November 2001	S.R. 2001 No. 388 (C. 18)
Article 19(3)	3rd June 1996	S.R. 1996 No. 223 (C. 10)
Article 20(1) and (3)	18th November 2001	S.R. 2001 No. 388 (C. 18)
Article 20(2)	3rd June 1996	S.R. 1996 No. 223 (C. 10)
Article 21	18th November 2001	S.R. 2001 No. 388 (C. 18)
Article 22	3rd June 1996	S.R. 1996 No. 223 (C. 10)