STATUTORY RULES OF NORTHERN IRELAND

2002 No. 10

ROADS
STREET WORKS

The Street Works (Register, Notices, Directions and Designations) Regulations (Northern Ireland) 2002

Made - - - -	*17th January 2002*
Coming into operation	*18th March 2002*

The Department for Regional Development(**1**), in exercise of the powers conferred by Articles 3(2), 13, 14(1) and (2), 15(1) to (3) and (7), 16(2), 17(2) and (3), 18(1), (2) and (5), 22(1), 23(2), 24(1) and (2) and 54(1) and (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 regulations:

Citation and commencement

1. These Regulations may be cited as the Street Works (Register, Notices, Directions and Designations) Regulations (Northern Ireland) 2002 and shall come into operation on 18th March 2002.

Interpretation

2. In these Regulations—

"cycle track" means a way over which the public have a right of way on pedal cycle only, or on pedal cycle and foot only;

"footpath" means a way over which the public have a right of way on foot only, not being a footway;

"major projects" means projects which have been identified specifically in the annual operating programme of the undertaker or the Department, or which, though not specifically identified in such a programme, would normally be planned at least six months in advance of works commencing;

"minor works" means works (not being emergency works or urgent works) whether in the footway, verge or carriageway, which are of a planned duration of not more than 3 days, do

(**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

not form part of a rolling programme and do not involve at any one time more than 30 metres of works or leave less than 3 metres width of carriageway available for traffic or less than 2.5 metres width of carriageway where the traffic is expected to consist only of motor cars and light locomotives within the meaning of Article 3(1) of the Road Traffic (Northern Ireland) Order 1995(**4**);

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

"person responsible for securing registration" means in relation to any information, the person responsible for conveying such information to the Department for registration in the register;

"statutory undertaker" means a person entitled by virtue of a statutory right to carry out street works;

"standard works" means all works which are not emergency works, urgent works or minor works;

"the register" means the street works register required to be kept by the Department by virtue of Article 13(1) of the Order;

"traffic-sensitive street" means a street designated by the Department as traffic-sensitive pursuant to Article 24 of the Order and in a case where a limited designation is made pursuant to Article 24(3) any reference to works in a traffic-sensitive street shall be construed as a reference to works to be executed at the times and dates specified in such a designation;

"trunk road" has the same meaning as in the Roads Order; and

"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

(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.

Street works register

3.—(1) The register shall be kept in electronic form and shall be so indexed as to enable the information referred to in paragraphs (2) and (3) relating to a particular street to be traced.

(2) The information with respect to street works to be shown on the register and, in each case, the person responsible for securing its registration are specified in columns (2) and (3) respectively of the Table.

TABLE

Item	*Information*	*Person responsible for securing its registration*
(1)	(2)	(3)
1	Copies of all notices pursuant to Articles 14, 15 and 17 of the Order served upon the	The undertaker concerned

(**4**) S.I. 1995/2994 (N.I. 18)

Item	*Information*	*Person responsible for securing its registration*
(1)	(2)	(3)
	Department relating to street works in any street which is a road	
2	Copies of all notices pursuant to Articles 14, 15 and 17 of the Order served upon street managers relating to street works in any street which is not a road	The undertaker concerned
3	Description and location of street works involving breaking up the street not requiring prior notice in any street	The undertaker concerned
4	Description and location of works for which plans and sections have been submitted under Schedule 2 to the Order	The undertaker concerned
5	Particulars of notices given by any relevant authority under Schedule 2 to the Order	The relevant authority

(3) The information with respect to other descriptions of works and other matters to be shown on the register and, in each case, the person responsible for securing its registration are specified in columns (2) and (3) respectively of the Table.

TABLE

Item	*Information*	*Person responsible for securing its registration*
(1)	(2)	(3)
1	Every street, for which the Department is the street authority	The Department
2	Every street, which is a prospective road	The Department
3	Every street, of which the Department is aware, which is a road but for which it is not the street authority	The Department
4	Every street, which is— (a) a protected street; (b) a street with special engineering difficulties;	The street authority concerned

Item	*Information*	*Person responsible for securing its registration*
(1)	(2)	(3)
	(c) a traffic-sensitive street including details of any limited designation, and including in each case, where appropriate, details of the parts of the street designated	
5	Description and location of street authority works for road purposes	The street authority concerned
6	Copies of all notices published under Article 18 of the Order and of consents under that Article	The street authority concerned
7	Particulars of street works licences, including details of conditions, and of changes of ownership	The street authority concerned
8	Information under Article 30(3) of the Order as to completion of reinstatements	The undertaker concerned
9	Particulars of apparatus notified to the street authority under Article 40(2) of the Order	The street authority concerned
10	Every notice of works pursuant to Article 45(2) of the Order	The authority concerned
11	The classification of the street as a type of road for the purposes of regulation 2 of the Street Works (Reinstatement) Regulations (Northern Ireland) 1998(**5**)	The street authority concerned

(4) Information of the following types is restricted information for the purpose of Article 13(3) of the Order—

(a) information certified by or with the authorisation of the Secretary of State as being restricted information in the interests of national security;

(b) information certified by, or with the authorisation of, an undertaker as being restricted information in accordance with the commercial interests of the undertaking.

(**5**) S.R. 1998 No. 425

Prescribed notice

4.—(1) Any notice for the purposes of Articles 14, 15 and 17 of the Order shall be in the form contained in Schedule 2 to these Regulations.

(2) Any such notice shall include such information as may be required to complete the parts of the form referred to in paragraph (1) which are indicated in that form as being relevant to the notice.

(3) Any notice required or authorised to be given for the purposes of any other provision under the Order shall be in writing, shall refer to the provision of the Order pursuant to which it is given and may be in any form.

Prescribed manner of service of notices

5.—(1) Where under the Order or these Regulations an undertaker is under an obligation to give notice within a specified period of works beginning, such notice, at the option of the person giving it, shall be given by delivering it to the person to whom it is addressed at his proper address, or by sending it to such address by telefacsimile or other electronic means, or by any other means agreed between the person giving it and the person to whom it is to be sent.

(2) In any other case under the Order, or these Regulations, where any person is required or authorised to give a notice, such notice, at the option of the person giving it, shall be given by delivering it to the person to whom it is addressed, or by leaving it at his proper address, or by telefacsimile or other electronic means, or by sending it by first class post to him at that address, or by any other means agreed between the person giving it and the person to whom it is to be sent.

(3) Subject to Article 54(3) of the Order, where a notice may be served by telefacsimile or other electronic means, then, unless the contrary is proved, service is deemed to be effected at the time when the transmitting apparatus records satisfactory completion of the transmission, provided that where, after three attempts (duly recorded by the person serving the notice) to effect service by such means, service cannot be effected, the notice may be given by telephone and a copy thereof served upon the person to whom it is addressed by any of the means referred to in paragraph (2) as soon as practicable.

(4) For the purpose of this regulation, the proper address of any person to whom notice is to be given shall be, where such person has furnished to the person giving the notice an address for service of notices under the Order, that address, and otherwise, in the case of a corporation, the registered or principal office of the corporation, or, in any other case, the last known address of such person, provided that a person may furnish different addresses for different notices or different classes of notice.

Advance notice of works

6.—(1) For the purposes of Article 14 of the Order, an undertaker, in addition to giving notice in accordance with regulation 7, shall give one month's advance notice of street works to which this regulation applies.

(2) This regulation applies to—

(i) major projects;

(ii) in traffic-sensitive streets, standard works and minor works involving breaking up the street.

Notice of starting date of works

7.—(1) Subject to paragraphs (2) and (4), for the purposes of Article 15 of the Order, an undertaker proposing to execute street works in a traffic-sensitive street shall, for each of the categories of work specified in column (2) of the Table, give a period of notice in relation to that category not less than that shown in column (3).