STATUTORY RULES OF NORTHERN IRELAND

2001 No. 409

ROADS
STREET WORKS

Street Works (Inspection Fees) Regulations (Northern Ireland) 2001

Made - - - - 19th November 2001

Coming into operation 1st January 2002

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 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 (Inspection Fees) Regulations (Northern Ireland) 2001 and shall come into operation on 1st January 2002.

(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 deep opening" is an excavation or trench in which the depth of cover over the buried apparatus is greater than 1·5 metres but does not include an excavation or trench with a depth of cover which is intermittently more than 1·5 metres for lengths of less than 5 metres;

"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;

"statutory undertaker" means an undertaker who carries out street works by virtue of a statutory right.

(**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

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

3.—(1) An undertaker shall pay to the Department a fee of £15·50 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, a chargeable inspection of works is—

(a) if the inspection is of works carried out by an undertaker who holds a licence under Article 11 of the Order and whose estimated number of units of inspection in the year in which the inspection is made is less than 100, every inspection of all or any phase of all or any of those works subject to a maximum of 30 inspections;

(b) if the inspection is of works carried out by an undertaker who holds a licence under Article 11 of the Order and whose estimated number of units of inspection in the year in which the inspection is made is 100 or more, an inspection at random of not more than 10·5 per cent of each phase or not more than 30 per cent of the total of that estimated number;

(c) if the inspection is of works carried out by a statutory undertaker, an inspection at random of not more than 10·5 per cent of each phase or not more than 30 per cent of the total number of estimated 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;

(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 the subject of one notice of starting date; and

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

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

(iv) 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 purpose 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;

(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 deep openings the period of 3 years.

(5) For the purposes of this regulation, save as provided in paragraph (6) below, the estimated number of units of inspection in a year is—

(a) for each of the following respective periods, namely the period ending on 31st March 2002 (“the first period”) and the year starting on 1st April 2002 (“the first full year”), such estimate as may be agreed between the undertaker and the Department of the number of units of inspection for the undertaker in that period or year, as the case may be;

(b) for the year starting on 1st April 2003 (“the second year”) the average of the number of the units of inspection for the undertaker during the first full year and such estimate as may be agreed between the undertaker and the Department of the number of units of inspection for the undertaker for the second year;

(c) for the year starting on 1st April 2004 (“the third year”) the average of the number of units of inspection for the undertaker during the first full year and the second year and such