STATUTORY RULES OF NORTHERN IRELAND

2001 No. 388 (C. 18)

ROADS
STREET WORKS

The Street Works (1995 Order) (Commencment No. 5) Order (Northern Ireland) 2001

Made - - - - 17th October 2001

The Minister 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 him and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Street Works (1995 Order) (Commencement No. 5) Order (Northern Ireland) 2001.

(2) In this Order "the Order" means the Street Works (Northern Ireland) Order 1995.

Appointed day

2. The day appointed for the coming into operation of the provisions of the Order specified in the Schedule shall be 18th November 2001.

Dated the 17th day of October 2001.

G. Campbell
Minister for Regional Development

(**1**) Section 95(5) of and paragraph 11(2) of Schedule 12 to 1998 c. 47, Article 3(1) of S.I. 1999/283 (N.I. 1) and Article 6(*d*) and Schedule 4 Part IV of S.R. 1999 No. 481.
(**2**) S.I. 1995 No. 3210 (N.I. 19).

SCHEDULE Article 2

Provisions of the Order for which 18th November 2001 is appointed as the day of coming into operation

Provisions of the Order	*Subject matter*
Article 11	Street works licences
Article 12	Prohibition of unauthorised street works
Article 13(1) to (3)	The street works register
Article 14	Advance notice of certain works
Article 15	Notice of starting date of works
Article 16(1) and (3)	Power to give directions as to timing of works
Article 17	Notice of emergency works
Article 19(1), (2), (4), (5) and (6)	General duty of street authority to co-ordinate works
Article 20(1) and (3)	General duty of undertakers to co-operate
Article 21	Protected streets
Article 23	Streets with special engineering difficulties
Article 24	Traffic-sensitive streets
Article 29	Works likely to affect other apparatus in the street
Article 41(1), (2), (5), (6) and (7)	Duty to maintain apparatus
Article 42	Liability for damage or loss caused
Article 47	Duties of undertaker in relation to bridge authority
Article 48	Duty of undertaker in relation to sewer authority
Article 51	Works affecting level crossings or tramways
Schedule 1	Street works licences
Schedule 2	Streets with special engineering difficulties
Schedule 3 in the respects specified below and Article 60(1) so far as it relates to them— paragraph 1, paragraphs 10 to 23, paragraph 25, paragraph 27, paragraph 30, paragraph 32,	Minor and consequential amendments
The repeals in Schedule 4 and Article 60(2) so far as they relate to— the Towns Improvement Clauses Act 1847, section 11(1) and (2) and	Repeals

Provisions of the Order	*Subject matter*
paragraph 9(3) of Schedule 2 to the Telecommunications Act 1984, the New Roads and Street Works Act 1991, the Electricity (Northern Ireland) Order 1992, the Roads (Northern Ireland) Order 1993 with the exception of Article 79	

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order brings into operation on 18th November 2001 Articles 11, 12, 13(1) to (3), 14, 15, 16(1) and (3), 17, 19(1), (2), (4), (5) and (6), 20(1) and (3), 21, 23, 24, 29, 41(1), (2), (5), (6) and (7), 42, 47, 48 and 51 of the Street Works (Northern Ireland) Order 1995.

Article 11 makes provision for the granting of a street works licence by the street authority to enable a person not having a statutory right to place and maintain apparatus in a street to gain authority to do so.

Article 12 makes it an offence for a person other than the street authority to execute street works otherwise than in pursuance of a statutory right or a street works licence and provides the necessary powers to enable the street authority to have the apparatus removed and the street reinstated. Paragraph (3) lists certain works to which the offence provision does not apply.

Article 13(1) to (3) places a requirement on the Department to keep a street works register and empowers the Department to make regulations prescribing the information to be contained in the register, including its manner and form, and the information which is to be regarded as restricted. Subject to certain conditions regarding restricted information, the Department is required to make the register available for inspection, at all reasonable hours and free of charge.

Article 14 requires an undertaker proposing to execute street works, in such cases as the Department may prescribe, to give advance notice of the works to the street authority, to comply with any requirements prescribed by the Department or imposed by the street authority for the purposes of co-ordinating the works with any other works proposed to be carried out in the street and makes it an offence to fail to comply with his duties under this Article.

Article 15 requires an undertaker proposing to execute certain street works to give advance notice of the works and makes it an offence to begin to execute such works in contravention of this Article.

Article 16(1) and (3) enables a street authority to direct the times of working in certain cases and makes it an offence to fail to comply with such a direction.

Article 17 makes provision for the giving of notice for emergency works and makes it an offence to fail to give such notice.

Article 19(1), (2), (4), (5) and (6) requires a street authority to use its best endeavours to co-ordinate works of all kinds in streets for which it is responsible and empowers the Department, in cases where it appears to it that a street manager is not properly discharging his duty of co-ordination, to direct the manager to supply it with information to enable it to decide whether that is the case and, if so,