STATUTORY RULES OF NORTHERN IRELAND

# 1998 No. 425

# ROADS
# STREET WORKS

## Street Works (Reinstatement) Regulations (Northern Ireland) 1998

*Made - - - -* *3rd December 1998*

*Coming into operation* *1st February 1999*

The Department of the Environment, in exercise of the powers conferred on it by Articles 30(4), 31(1), (2) and (3) and 59(2) of the Street Works (Northern Ireland) Order 1995(**1**), and of every other power enabling it in that behalf, hereby makes the following Regulations:

### Citation, commencement and interpretation

**1.**—(1) These Regulations may be cited as the Street Works (Reinstatement) Regulations (Northern Ireland) 1998 and shall come into operation on 1st February 1999.

(2) In these Regulations–

"the Code" means the Code of Practice entitled "Specification for the Reinstatement of Openings in Roads" dated 19th November 1998, and approved by the Department on 19th November 1998 as revised or re-issued from time to time;

"immediate works" means works comprising the orderly replacement of excavated material, reasonably compacted and finished at surface level with a cold lay surfacing;

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

"a road carrying over 70 thousand vehicles per day" means a road where the 24 hour annual average daily traffic flow of all vehicles in both directions exceeds 70 thousand vehicles.

### Duty of undertaker to use materials and observe standards of workmanship

**2.**—(1) For the purposes of applying the requirements specified in regulation 3 the different descriptions of street are the types of road specified in paragraph 1.3.1 of Chapter S1 of the Code and the different descriptions of footpath are the types of footpath specified in paragraphs 1.4.1, 1.4.2 and 1.4.3 of Chapter S1 of the Code.

(**1**) S.I.1995/3210 (N.I. 19); *see* Article 2(2) for the definition of "the Department" and "prescribed"

(2) In any case where the Department has given the undertaker which is intending to execute street works in the street written notice that it has classified the street as being of one of those types of road, and undertaker shall use the materials and observe the standards of workmanship specified in regulation 3 and satisfy the performance standards specified in regulation 4 appropriate to that type of road.

(3) In any case where the Department has given the undertaker which is intending to execute street works in the street written notice that the street is a road carrying over 70 thousand vehicles per day the undertaker shall use such materials and observe such standards of workmanship as shall be agreed between the Department and the undertaker.

(4) In any case where the Department has not given the undertaker which is intending to execute works in the street written notice under paragraph (2) or (3), the undertaker shall use the materials and observe the standards of workmanship specified in regulation 3 for the type of road which the undertaker considers appropriate, provided that the Department shall not in such a case classify the street as being any other type of road until such street works including reinstatement have been completed.

**Requirements as to specification of materials and standards of workmanship**

**3.**—(1) Save as provided in regulations 2(3), 6 and 7 an undertaker executing street works shall in reinstating the street comply with–

(a) the requirements specified in paragraph (2) as to the specification of materials to be used so far as those requirements relate to reinstatement; and

(b) the requirements specified in paragraph (3) as to the standards of workmanship to be observed so far as those requirements relate to reinstatement.

(2) The requirements referred to in paragraph (1)(*a*) are the requirements to use materials which are needed to satisfy the performance standards specified in regulation 4, having regard to the various provisions for each description of street specified in the chapters of the Code listed in column 2 of the Table below to the extent specified in column 3 of that Table.

Table

| 1<br>*Item No.* | 2<br>*Chapter of Code* | 3<br>*Extent of application* |
|---|---|---|
| 1 | S1 (Introduction) | The whole so far as it applies to use of materials. |
| 2 | S2 (Performance Requirements) | Paragraph 2.6.4. |
| 3 | S4 (Surround to Apparatus) | The whole so far as it applies to use of materials. |
| 4 | S5 (Backfill) | The whole so far as it applies to use of materials. |
| 5 | S6 (Flexible and Composite Roads) | The whole so far as it applies to use of materials. |
| 6 | S7 (Rigid and Modular Roads) | The whole so far as it applies to use of materials. |
| 7 | S8 (Footways, Footpaths and Cycletracks) | The whole so far as it applies to use of materials. |