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STATUTORY INSTRUMENTS

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**1995 No. 3210 (N.I. 19)**

**NORTHERN IRELAND**

**The Street Works (Northern Ireland) Order 1995**

*Made - - - - 13th December 1995  
Coming into operation on days to be appointed  
under Article 1(2)*

**THE STREET WORKS (NORTHERN IRELAND) ORDER 1995**

*Introduction and interpretation*

1. Title and commencement
2. General interpretation
3. Streets and street works
4. Undertakers
5. Works for road purposes and major road works
6. Emergency works
7. The street authority and other relevant authorities
8. Interpretation of expressions relating to bridges
9. Interpretation of expressions relating to sewers
10. Interpretation of expressions relating to transport

*Street works licences*

11. Street works licences
12. Prohibition of unauthorised street works

*The street works register*

13. The street works register

*Notice and co-ordination of works*

14. Advance notice of certain works
15. Notice of starting date of works
16. Power to give directions as to timing of street works
17. Notice of emergency works
18. Restriction on works following substantial road works
19. General duty of street authority to co-ordinate works
20. General duty of undertakers to co-operate

*Status: This is the original version (as it was originally made).*

*Streets subject to special controls*

21. Protected streets
22. Supplementary provisions as to designation of protected streets
23. Streets with special engineering difficulties
24. Traffic-sensitive streets

*General requirements as to execution of street works*

25. Safety measures
26. Avoidance of unnecessary delay or obstruction
27. Qualifications of supervisors and operatives
28. Facilities to be afforded to street authority
29. Works likely to affect other apparatus in the street

*Reinstatement*

30. Duty of undertaker to reinstate
31. Materials, workmanship and standard of reinstatement
32. Powers of street authority in relation to reinstatement
33. Reinstatement affected by subsequent works

*Charges, fees and contributions payable by undertakers*

34. Charge for occupation of the road where works unreasonably prolonged
35. Inspection of fees
36. Liability for cost of temporary traffic regulation
37. Liability for cost of use of alternative route
  1. Trunk roads.
  2. First-class roads.
  3. Second-class roads.
  4. Third-class roads.
  5. Other roads. (3) Expressions used in paragraph (2) have the...
38. Contributions to costs of making good long-term damage

*Duties and liabilities of undertakers with respect to apparatus*

39. Records of location of apparatus
40. Duty to inform undertakers of location of apparatus
41. Duty to maintain apparatus
42. Liability for damage or loss caused

*Apparatus affected by road, bridge or transport works*

43. Works for road purposes likely to affect apparatus in the street
44. Measures necessary where apparatus affected by major works
45. Sharing of cost of necessary measures

*Provisions with respect to particular authorities and undertakings*

46. Prospective roads
47. Duties of undertaker in relation to bridge authority
48. Duty of undertaker in relation to sewer authority
49. Provisions as to reinstatement of sewers, drains or tunnels.
50. Special precautions as to displaying of lights
51. Works affecting level crossings or tramways

*Supplementary provisions*

52. Offences
  53. Recovery of costs or expenses
  54. Notices
  55. Arbitration
  56. Agreements inconsistent with the provisions of this Order
  57. Consequential amendments of other statutory provisions
  58. Crown application
  59. Regulations
  60. Amendments and repeals
- Signature

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SCHEDULES

SCHEDULE 1 — Street Works Licences

*Grant of licence*

1. Before granting a street works licence the street authority shall...
2. The street authority may require the payment of—

*Conditions attached to licence*

3. A street authority may attach to a street works licence...
4. Where assignment of a street works licence is permitted, a...

*Notice of change of ownership, &c*

5. (1) Where the licensee under a street works licence proposes—...

*Withdrawal of licence*

6. (1) The street authority may by notice in writing served...

*Removal of apparatus*

7. (1) Where a street works licence expires or is withdrawn...

*Obligation of licensee to indemnify street authority*

8. (1) The licensee under a street works licence shall indemnify...

*Appeal against decision of Department*

9. (1) Where the apparatus in respect of which an application...

SCHEDULE 2 — Streets With Special Engineering Difficulties

*Introductory*

1. In this Schedule a “street with special engineering difficulties” means...

*Requirement of plan and section*

2. (1) In a street with special engineering difficulties street works...
3. Emergency works may be executed without a plan and section...

*Status: This is the original version (as it was originally made).*

4. (1) In the case of a street which is not...
5. (1) A relevant authority to which a plan and section...
6. If an undertaker— (a) executes any works in contravention of...

*Procedure on submission of plan and section*

7. (1) A relevant authority to which there is submitted a...
8. (1) Where a relevant authority gives notice approving the plan...
9. The Department or a bridge authority may not give notice—...

*Settlement of plan and section by arbitration*

10. (1) The duty of the arbitrator where a matter is...
11. (1) Where the reference relates to the placing, altering or...

*Objection to works executed without plan and section being settled*

12. (1) This paragraph applies where street works have been executed...

*Execution of works in accordance with plan and section*

13. (1) An undertaker executing street works in a street with...

SCHEDULE 3 — Amendments

*The Land Powers (Defence) Act 1958 (c. 30)*

1. After section 18A, insert— Modification of street works provisions in...

*The Land Registration Act (Northern Ireland) 1970 (c. 18 (N.I.))*

2. In Schedule 11 (matters requiring to be registered in the...

*The Public Utilities (Emergency Powers) Act (Northern Ireland) 1972 (c. 2 (N.I.))*

3. At the end of section 3 add— Any works carried...

*The Gas (Northern Ireland) Order 1977 (NI 7)*

4. (1) In paragraph (10) of Article 13 (laying of gas...
5. After Article 13, insert— Works under Article 13 (1) Before commencing to open or break up any relevant...
6. At the end of Article 17 add—
7. In Schedule 1 (gas supply code) in paragraph 1—

*The Road Traffic (Northern Ireland) Order 1981 (NI 1)*

8. In Article 124 (warning of roadworks, after paragraph (2) insert—...

*The Telecommunications Act 1984 (c. 12)*

9. In Schedule 2 (the telecommunications code)— (a) in paragraph 1(1)—...

*The Planning (Northern Ireland) Order 1991 (NI 11)*

10. In Article 121 (rights of entry) after paragraph (4) add—...

*The Electricity (Northern Ireland) Order 1992 (NI 1)*

11. Schedule 4 (other powers of licence holders) shall be amended...
12. In paragraph 1(1) at the appropriate place insert— “street” has...
13. In paragraphs 2 to 6, for the word “road” in...
14. In paragraph 2(1) for “Subject to Article 15 of the...
15. At the end of paragraph 5 add—
16. In paragraph 6(2) for “(2) to (7)” substitute “(4) to...
17. In paragraph 8 for “paragraphs 2 to 7” substitute “paragraph...
18. In paragraph 15 after sub-paragraph (4) insert—

*The Roads (Northern Ireland) Order 1993 (NI 15)*

19. In Article 2(2) (interpretation) at the appropriate places insert—  
“protected...”
20. In Article 72 (erection of scaffolding etc. in a road)...
21. In Article 73 (placing of rails, beams etc. over a...
22. At the end of Article 77 (construction of cellars under...
23. In Article 78 (excavations in a road) in paragraph (2)—...
24. After Article 78 insert— Works under Article 72 or Article...
25. At the end of Article 81 (provision of milk tanker...
26. In Article 84(1)(c) for “76 or 79” substitute “or 76”....
27. In Article 86 (vehicle-crossings over footways and verges)—
28. In Article 96 (control of builders' skips), in paragraph (10)...
29. After Article 97 (removal of builders' skips) insert— Builders' skips:...
30. In Article 119 (power to enter on land)—
31. In Article 133 (orders and regulations) for paragraph (5) substitute—...
32. In Schedule 9 (saving provisions) for paragraph 3, substitute— Paragraph  
23 of the telecommunications code (which provides a procedure...

*The Airports (Northern Ireland) Order 1994 (NI 1)*

33. In Article 12 (provisions as to telecommunication apparatus)—

SCHEDULE 4 — Repeals

Explanatory Note