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STATUTORY INSTRUMENTS

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**1995 No. 3210**

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

*Street works licences*

**Street works licences**

11.—(1) The street authority may grant a licence (a “street works licence”) permitting a person—

- (a) to place, or to retain, apparatus in the street, and
- (b) thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it,

and to execute for those purposes any works required for or incidental to such works (including, in particular, breaking up or opening the street, or any sewer, drain or tunnel under it, or tunnelling or boring under the street).

(2) A street works licence authorises the licensee to execute the works permitted by the licence without obtaining any consent which would otherwise be required to be given—

- (a) by any other relevant authority in its capacity as such, or
- (b) by any person in his capacity as the owner of apparatus affected by the works;

but without prejudice to the provisions of this Order as to the making of requirements by any such authority or person or as to the settlement of a plan and section and the execution of the works in accordance with them.

(3) A street works licence does not dispense the licensee from obtaining any other consent, licence or permission which may be required.

(4) The provisions of Schedule 1 have effect with respect to the grant of street works licences, the attachment of conditions and other matters.

(5) A street works licence may be granted—

- (a) to a person on terms permitting or prohibiting its assignment, or
- (b) to the owner of land and his successors in title;

and references in this Order to the licensee are to the person for the time being entitled by virtue of the licence to do anything permitted by it.

(6) The following, namely—

- (a) any licence granted before the coming into operation of this Article under Article 79 of the Roads Order or any corresponding earlier statutory provision for the execution in a street of any such works as are mentioned in paragraph (1); and
- (b) any licence, consent, permission or other authority for the execution in a street of any such works as are mentioned in that paragraph granted or given by the street manager before the coming into operation of this Article,

shall have effect after the coming into operation of this Article as a street works licence; but paragraph (2) shall not apply in relation to such a licence.

(7) The works referred to in paragraph (1) do not include works for road purposes.

## **Prohibition of unauthorised street works**

**12.**—(1) It is an offence for a person other than the street authority—

- (a) to place apparatus in a street, or
- (b) to break up or open a street, or a sewer, drain or tunnel under it, or to tunnel or bore under a street, for the purpose of placing, inspecting, maintaining, adjusting, repairing, altering or renewing apparatus, or of changing the position of apparatus or removing it,

otherwise than in pursuance of a statutory right or a street works licence.

(2) A person committing an offence under this Article is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) This Article does not apply to—

- (a) works for road purposes,
- (b) emergency works of any description,
- (c) works done with the consent of the Department given under the Roads Order,
- (d) works done under the authority of a licence issued by the Department under the Roads Order,
- (e) works required to be carried out by a notice to which Article 58 of the Roads Order applies, or
- (f) works done by, or under the direction of, a constable which do not involve the breaking up of opening of a street.

(4) If a person commits an offence under this Article, the street authority may—

- (a) in the case of an offence under paragraph (1)(a), direct him to remove the apparatus in respect of which the offence was committed, and
- (b) in any case, direct him to take such steps as appear to the authority necessary to reinstate the street or any sewer, drain or tunnel under it.

If he fails to comply with the direction, the authority may remove the apparatus or, as the case may be, carry out the necessary works and recover from him the costs reasonably incurred by it in doing so.