

## STATUTORY INSTRUMENTS

# 1995 No. 3210

## The Street Works (Northern Ireland) Order 1995

### General requirements as to execution of street works

#### Safety measures

**25.—**(1) An undertaker executing street works shall secure—

- (a) that any part of the street which is broken up or open, or is obstructed by plant or materials used or deposited in connection with the works, is adequately guarded and lit, and
- (b) that such traffic signs are placed and maintained, and where necessary operated, as are reasonably required for the guidance or direction of persons using the street,

having regard, in particular, to the needs of people with a disability.

(2) In discharging in relation to a road his duty with respect to the placing, maintenance or operation of traffic signs, an undertaker shall comply, with any directions given by the Department.

(3) The Department may issue or approve for the purposes of this Article codes of practice giving practical guidance as to the matters mentioned in paragraph (1); and—

- (a) so far as an undertaker complies with such a code of practice he shall be taken to comply with that paragraph; and
- (b) a failure in any respect to comply with any such code is evidence of failure in that respect to comply with that paragraph.

(4) An undertaker who fails to comply with paragraph (1) or (2) commits an offence and is liable on summary conviction to a fine not exceeding [<sup>F1</sup>level 5] on the standard scale.

(5) If it appears to the street authority that an undertaker has failed to comply with paragraph (1) or (2), the street authority may take such steps as appear to it necessary and may recover from the undertaker the costs reasonably incurred by it in doing so.

(6) If a person without lawful authority or excuse—

- (a) takes down, alters or removes any fence, barrier, traffic sign or light erected or placed in pursuance of paragraph (1) or (2), or
- (b) extinguishes a light so placed,

he commits an offence and is liable on summary conviction to a fine not exceeding [<sup>F2</sup>level 5] on the standard scale.

**F1** Words in art. 25(4) substituted (1.10.2007) by [Street Works \(Amendment\) \(Northern Ireland\) Order 2007 \(S.I. 2007/287 \(N.I. 1\)\)](#), arts. 1(3), **25(2)(e)** (with art. 25(5)); S.R. 2007/365, **art. 2**, Sch.

**F2** Words in art. 25(6) substituted (1.10.2007) by [Street Works \(Amendment\) \(Northern Ireland\) Order 2007 \(S.I. 2007/287 \(N.I. 1\)\)](#), arts. 1(3), **25(2)(f)** (with art. 25(5)); S.R. 2007/365, **art. 2**, Sch.

#### Avoidance of unnecessary delay or obstruction

**26.—**(1) An undertaker executing street works which involve—

*Status: Point in time view as at 01/10/2007.*

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- (a) breaking up or opening the street, or any sewer, drain or tunnel under it, or
- (b) tunnelling or boring under the street,

shall carry on and complete the works with all such dispatch as is reasonably practicable.

(2) An undertaker who fails to do so commits an offence and is liable on summary conviction to a fine not exceeding [<sup>F3</sup>level 5] on the standard scale.

(3) Where an undertaker executing any street works creates an obstruction in a street to a greater extent or for a longer period than is reasonably necessary, the street authority may by notice require him to take such reasonable steps as are specified in the notice to mitigate or discontinue the obstruction.

(4) If the undertaker fails to comply with such a notice within 24 hours of receiving it, or any longer period specified in the notice, the street authority may take the necessary steps and recover from him the costs reasonably incurred by it in doing so.

**F3** Words in art. 26(2) substituted (1.10.2007) by *Street Works (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/287 (N.I. 1))*, arts. 1(3), **25(2)(g)** (with art. 25(5)); S.R. 2007/365, **art. 2**, Sch.

### Qualifications of supervisors and operatives

27.—(1) It is the duty of an undertaker executing street works involving—

- (a) breaking up the street, or any sewer, drain or tunnel under it, or
- (b) tunnelling or boring under the street

to secure that, except in such cases as may be prescribed, the execution of the works is supervised by a person having a prescribed qualification as a supervisor.

(2) It is the duty of an undertaker executing streets works involving—

- (a) breaking up or opening the street, or any sewer, drain or tunnel under it, or
- (b) tunnelling or boring under the street,

to secure that, except in such cases as many be prescribed, there is on site at all times when any such works are in progress at least one person having a prescribed qualification as a trained operative.

(3) an undertaker who fails to comply with his duty under paragraph (1) or (2) commits an offence and is liable on summary conviction to a fine not exceeding [<sup>F4</sup>level 5] on the standard scale.

(4) Regulations made by the Department for the purposes of this Article may include provision with respect to—

- (a) the approval of bodies conferring qualifications (and the withdrawal of such approval), and
- (b) the circumstances in which a qualification may be conferred.

**F4** Words in art. 27(3) substituted (1.10.2007) by *Street Works (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/287 (N.I. 1))*, arts. 1(3), **25(2)(h)** (with art. 25(5)); S.R. 2007/365, **art. 2**, Sch.

### Facilities to be afforded to street authority

28.—(1) An undertaker executing street works shall afford the street authority reasonable facilities for ascertaining whether he is complying with his duties under this Order.

(2) An undertaker who fails to afford the street authority such facilities commits an offence in respect of each failure and is liable on summary conviction to a fine note exceeding [<sup>F5</sup>level 4] on the standard scale.

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**F5** Words in art. 28(2) substituted (1.10.2007) by [Street Works \(Amendment\) \(Northern Ireland\) Order 2007 \(S.I. 2007/287 \(N.I. 1\)\)](#), arts. 1(3), **25(1)(d)** (with art. 25(5)); S.R. 2007/365, **art. 2**, Sch.

### **Works likely to affect other apparatus in the street**

**29.—**(1) Where street works are likely to affect another person's apparatus in the street, the undertaker executing the works shall take all reasonably practicable steps—

- (a) to give the person to whom the apparatus belongs reasonable facilities for monitoring the execution of the works, and
- (b) to comply with any requirement made by him which is reasonably necessary for the protection of the apparatus or for securing access to it.

(2) An undertaker who fails to comply with paragraph (1) commits an offence in respect of each failure and is liable on summary conviction to a fine not exceeding [<sup>F6</sup>level 4] on the standard scale.

(3) In proceedings against a person for such an offence it is a defence for him to show that the failure was attributable—

- (a) to his not knowing the position, or not knowing of the existence, of another person's apparatus, or
- (b) to his not knowing the identity or address of the person to whom any apparatus belongs,

and that his ignorance was not due to any negligence on his part or to any failure to make inquiries which he ought reasonably to have made.

**F6** Words in art. 29(2) substituted (1.10.2007) by [Street Works \(Amendment\) \(Northern Ireland\) Order 2007 \(S.I. 2007/287 \(N.I. 1\)\)](#), arts. 1(3), **25(1)(e)** (with art. 25(5)); S.R. 2007/365, **art. 2**, Sch.

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