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STATUTORY INSTRUMENTS

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**2007 No. 287**

**The Street Works (Amendment) (Northern Ireland) Order 2007**

*Duties of undertakers with respect to apparatus*

PROSPECTIVE

**Duties relating to the location of unexpected apparatus**

**23.**—(1) Article 40 of the 1995 Order (duties where person finds unidentified apparatus) is amended as follows.

(2) In paragraph (1) for “made available by the undertaker” there is substituted “ kept by the undertaker under Article 39(1) and made available by him ”.

(3) After paragraph (1) there is inserted—

“(1A) Paragraph (1) has effect subject to such exceptions as may be prescribed.”.

(4) For paragraphs (2) and (3) there is substituted—

“(2) Where a person executing works of any description in the street finds apparatus which does not belong to him and is unable, after taking such steps as are reasonably practicable, to ascertain to whom the apparatus belongs, he shall comply with such requirements (if any) as may be prescribed for the purpose of securing that he—

- (a) makes and keeps a record of the location of the apparatus and (so far as appears from external inspection) its nature and whether it is in use; and
- (b) informs the street authority or any other person of those matters.

(2A) Regulations under paragraph (2) may make provision—

- (a) as to the form and manner in which records are to be kept;
- (b) as to the form and manner in which, or the time at or by which, information is to be given; and
- (c) for records which are to be kept by undertakers to be included in the records kept by them under Article 39(1).”.

(5) In paragraph (4) for “(2)” there is substituted “ any requirement imposed on him by regulations under paragraph (2) ”.

(6) After paragraph (4) there is added—

“(5) The Department may by regulations make provision for and in connection with the keeping by the Department of a register of information recorded by undertakers in pursuance of a requirement imposed under paragraph (2).

(6) Regulations under paragraph (5) may make provision about the inspection of the register by any person having authority to execute works of any description in the street or otherwise appearing to the Department to have a sufficient interest.”.

**Status:**

This version of this provision is prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the The Street Works (Amendment) (Northern Ireland) Order 2007, Section 23.