
STATUTORY INSTRUMENTS

2007 No. 608

The Ouseburn Barrage Order 2007

PART 2

WORKS PROVISIONS

Streets

Power to execute street works

5.—(1) The Council may, for purposes ancillary to the authorised works, enter upon so much of any of the streets specified in columns (1) and (2) of Schedule 2 (streets subject to street works and to be temporarily stopped up) as is within the limits of land to be acquired or used and may—

- (a) break up or open the street, or any sewer, drain, or tunnel under it, or tunnel or bore under the street;
- (b) place apparatus in the street;
- (c) maintain apparatus in the street or change its position; and
- (d) execute works required for or incidental to any works referred to in sub-paragraphs (a), (b) and (c).

(2) In this article, “apparatus” has the same meaning as in Part 3 of the 1991 Act.

Stopping up of streets and extinguishment of rights

6.—(1) Subject to the provisions of this article, the Council may, in connection with the construction of the authorised works, stop up the street specified in columns (1) and (2) of Schedule 3 (street to be stopped up) to the extent specified, by reference to the letters and numbers shown on the works plans, in column (3) of that Schedule.

(2) Where a street has been stopped up under this article, all rights of way over or along the street so stopped up shall be extinguished.

(3) Any person who suffers loss by the extinguishment or suspension of any private right of way under this article shall be entitled to compensation to be determined, in case of dispute, under Part 1 of the Land Compensation Act 1961⁽¹⁾.

(4) This article is subject to paragraph 2 of Schedule 5 (provisions relating to statutory undertakers etc.).

Temporary stopping up of streets

7.—(1) The Council may, during and for the purpose of carrying out the authorised works, temporarily stop up, alter or divert any street specified in columns (1) and (2) of Schedule 2 (streets subject to street works and to be temporarily stopped up) to the extent specified, by reference to

(1) 1961 c. 33.

the letters and numbers shown on the works plans, in column (3) of that Schedule and may for any reasonable time—

- (a) divert the traffic from the street;
- (b) subject to paragraph (2), prevent all persons from passing along the street; and
- (c) use the stopped up parts of the street as a temporary working site.

(2) The Council shall provide reasonable access for pedestrians going to or from premises abutting on a street affected by the exercise of the power conferred by this article if there would otherwise be no such access.

(3) The Council shall not exercise the powers conferred by this article in relation to any street specified as mentioned in paragraph (1) without first consulting the street authority.

(4) Any person who suffers loss by the suspension of any private right of way under this article shall be entitled to compensation to be determined, in case of dispute, under Part 1 of the Land Compensation Act 1961.

(5) This article is subject to paragraph 2 of Schedule 5 (provisions relating to statutory undertakers etc.).

Application of the 1991 Act

8.—(1) The provisions of the 1991 Act mentioned in paragraph (2) and any regulations made, or code of practice issued or approved under, those provisions shall apply (with the necessary modifications) in relation to the stopping up, alteration or diversion of a street by the Council under the powers conferred by this Order where no street works are executed in that street as they would apply if the stopping up, alteration or diversion were occasioned by street works executed in that street by the Council.

(2) The provisions of the 1991 Act referred to in paragraph (1) are—

- section 54 (advance notice of certain works);
- section 55 (notice of starting date of works);
- section 59 (general duty of street authority to co-ordinate works);
- section 60 (general duty of undertakers to co-operate);
- section 69 (works likely to affect other apparatus in the street);
- section 76 (liability for cost of temporary traffic regulation);
- section 77 (liability for cost of use of alternative route); and
- all such other provisions as apply for the purposes of the provisions mentioned above.

(3) Sections 54 and 55 of the 1991 Act as applied by paragraph (2) shall have effect as if references in section 57 of that Act to emergency works were a reference to a stopping up, alteration or diversion (as the case may be) required in a case of emergency.