
STATUTORY INSTRUMENTS

1993 No. 3160

The Roads (Northern Ireland) Order 1993

PART X

MISCELLANEOUS AND SUPPLEMENTARY

Financial provisions

Expenses of Department

121. Any expenses incurred by the Department under this Order shall be defrayed either out of moneys appropriated for the purposes of defraying such expenses or, if the Department of Finance and Personnel so directs, by means of sums charged on and issued out of the Consolidated Fund.

Execution of works by Department at expense of another

122.—(1) The Department may, if it is satisfied it will be of benefit to the public, enter into an agreement with any person—

- (a) for the execution by the Department of any works which the Department is authorised to execute under this Order; or
- (b) for the execution by the Department of such works incorporating particular modifications, additions or features, or at a particular time or in a particular manner,

on terms that that person pays the whole or such part of the cost of the works as may be specified in or determined in accordance with the agreement.

(2) Without prejudice to the generality of the reference in paragraph (1) to the cost of the works, that reference shall be taken to include—

- (a) the whole of the costs incurred by the Department in or in connection with—
 - (i) the making of the agreement;
 - (ii) the making of any order required for the purposes of the works; and
 - (iii) the acquisition by the Department of any land required for the purposes of the works; and
- (b) all relevant administrative expenses of the Department, including an appropriate sum in respect of general staff costs and overheads.

(3) The agreement may also provide for the making to the Department of payments in respect of the maintenance of the works to which the agreement relates and may contain such incidental and consequential provisions as appear to the Department to be necessary or expedient for the purposes of the agreement.

(4) The fact that works are to be executed in pursuance of an agreement under this Article does not affect the power of the Department to acquire land, by agreement or compulsorily, for the purposes of the works.

(5) If any amount due to the Department in pursuance of an agreement under this Article is not paid in accordance with the agreement, the Department may—

- (a) direct that any means of access or other facility afforded by the works to which the agreement relates shall not be used until that amount has been paid;
- (b) recover that amount from any person having an estate in any land for the benefit of which any such means of access or other facility is afforded; and
- (c) declare that amount to be a charge on any such land (identifying it) and on all estates therein.

(6) If it appears to the Department that a direction under paragraph (5)(a) is not being complied with, the Department may execute such works as are necessary to stop up the means of access or deny the facility, as the case may be, and may for that purpose enter any land.

(7) Where the Department recovers an amount from a person by virtue of paragraph (5)(b), he may in turn recover from any other person having an estate in land for the benefit of which the means of access or other facility was afforded such contribution as may be found by the court to be just and equitable.

This does not affect the right of any of those persons to recover from the person liable under the agreement the amount which they are made to pay.

Recovery of certain expenses by Department

123. Where any provision of this Order enables the Department to recover expenses which it has incurred in exercising any function under this Order—

- (a) those expenses shall include the relevant administrative expenses of the Department, including an appropriate sum in respect of general staff costs and overheads; and
- (b) the Department may recover those expenses summarily or in any court of competent jurisdiction as a civil debt due to it.

Repayment of charges, rates and tolls

124.—(1) A provision in this Order conferring power to make provision for payment of a charge shall be treated as also conferring power to make provision about repayment of sums paid, or purported to be paid, in pursuance of provision made in exercise of that power.

(2) Without prejudice to the generality of the power conferred by paragraph (1), the provision which may be made by virtue of that paragraph includes provision—

- (a) that repayment shall be made only if a specified person is satisfied that specified conditions are met or in other specified circumstances;
- (b) that repayment shall be made in part only;
- (c) that, in the case of partial repayment, the amount shall be a specified sum or determined in a specified manner; and
- (d) for repayment of different amounts in different circumstances.

(3) In this Article—

“charge” includes rates and toll;

“specified” means specified in the instrument exercising the power.

Power to pay expenses of persons moving temporarily during works for construction or improvement of road

125.—(1) This Article has effect where—

- (a) works are carried out by the Department for the construction or improvement of a road; and
- (b) the carrying out of those works affects the enjoyment of a dwelling adjacent to the site on which they are being carried out to such an extent that continued occupation of the dwelling is not reasonably practicable.

(2) Subject to paragraph (3), the Department may pay any reasonable expenses incurred by the occupier of the dwelling in providing suitable alternative residential accommodation for himself and members of his household for the whole or any part of the period during which the works are being carried out.

(3) No payment shall be made to any person under this Article in respect of any expenses except in pursuance of an agreement made between that person and the Department before the expenses are incurred; and no payment shall be so made except in respect of the amount by which the expenses exceed those which that person would have incurred if the dwelling had continued to be occupied.

Loans to certain undertakings affected by acquisition of land

126.—(1) For the purpose of enabling a person carrying on a relevant undertaking to purchase or take on lease any land or to erect any buildings, the Department may advance money by way of mortgage or charge to that person.

(2) In this Article “relevant undertaking” has the same meaning as in Article 111.

Changes to legislation:

There are currently no known outstanding effects for the The Roads (Northern Ireland) Order 1993, Cross Heading: Financial provisions.