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STATUTORY INSTRUMENTS

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**1993 No. 3160 (N.I. 15)**

**The Roads (Northern Ireland) Order 1993 <sup>F1</sup>**

- - - - 16th December 1993

**THE ROADS (NORTHERN IRELAND) ORDER 1993**

PART I

INTRODUCTORY

1. Title and commencement
2. Interpretation

PART II

CONSTRUCTION, MAINTENANCE AND CLASSIFICATION OF ROADS

*Construction of roads*

3. Construction of new roads
4. Construction of bridges and tunnels in relation to navigable waters
5. Diversion of navigable watercourses
6. Extinguishment of certain public rights over navigable waters and foreshore
7. Power to conduct experiments

*Maintenance of roads*

8. Duty to maintain roads
9. Treatment of roads affected by snow and ice
10. Duty to remove snow, soil, etc. which has fallen on a road
11. Extraordinary traffic
12. Road bridges over railways

*Classification of roads*

13. Classification of roads
14. Trunk roads

PART III

SPECIAL ROADS

*Status: Point in time view as at 10/09/2007.*

*Changes to legislation: There are currently no known outstanding effects for the The Roads (Northern Ireland) Order 1993. (See end of Document for details)*

*Designation of special roads and classification of traffic*

15. Designation of special roads
16. Classification of traffic for purposes of special roads

*Restrictions applying to special roads*

Art. 17 rep. by 1995 NI 19

18. Restriction of access, etc. in connection with special roads
19. Compensation where rights of access stopped-up or restricted under Article 18
20. Restrictions on use of special roads
21. Prohibition and control of advertising, etc. on or near special roads

*Service areas for special roads*

22. Provision of service areas for users of special roads

*Concession agreements relating to special roads*

23. Concession agreements
24. Exercise of road functions by concessionaire
25. Provisions as to traffic regulation
26. Leasing of land to concessionaire
27. Transfer or termination of concession

*Toll orders*

28. Toll orders
29. The toll period
30. Amount of tolls chargeable by concessionaire
31. Amount of tolls chargeable by Department
32. Application of statutory provisions relating to monopolies, etc.
33. Variation or revocation of toll order
34. Extension toll orders

*Further provisions with respect to tolls*

35. Further provisions as to charging of tolls
36. Collection of tolls
37. Refusal or failure to pay tolls
38. Facilities for collection of tolls
39. Restriction of access to toll roads
40. Annual report

*Supplementary*

41. Powers under this Part to be cumulative
42. Interpretation of Part III

PART IV

IMPROVEMENT AND SAFETY OF ROADS

*Improvement of roads*

43. General power of improvement
44. Street lighting

**Status:** Point in time view as at 10/09/2007.

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- 45. Drainage of roads
- 46. Obstruction of, interference with, or discharge of material into, a road drain, etc.
- 47. Filling in of roadside ditches

*Safety of roads*

- 48. Removal of fallen structures, trees, etc.
- 49. Prevention of obstruction to view, etc.
- 50. Removal of potentially dangerous trees and hedges
- 51. Dangerous land adjoining roads
- 52. Prevention of solid matter being washed on to roads
- 53. Prevention of water falling or flowing on to roads
- 54. Removal of barbed wire
- 55. Removal of projections from buildings
- 56. Doors, etc. opening onto road
- 57. Retaining walls
- 58. Notices under Articles 50 to 57 and appeals
- 59. Removal of nuisances
- 60. Damage caused to road by excavations, etc. on adjoining land

*Miscellaneous powers of Department as to structures, works etc. in or under road*

- 61. Placing of structures in a road
- 62. Trading kiosks
- 63. Cattle-grids
- 64. Shelters, rails, barriers, etc.
- 65. Road humps and other traffic calming works
- 65A. Equipment for detection of traffic offences

*Power of district council to erect shelters and toilets on or under road*

- 66. Erection of shelters and toilets by district council

PART V

Environmental Impact Assessment

- 67. Environmental impact assessment
- 67A. Procedure
- 67B. Other Member States
- 67BA. Validity of decisions
- 67C. Application

PART VI

ABANDONMENT AND STOPPING-UP OF ROADS AND PRIVATE ACCESSES

- 68. Abandonment and stopping-up of roads
- 69. Stopping-up of private accesses

PART VII

LAWFUL AND UNLAWFUL INTERFERENCE WITH ROADS

**Status:** Point in time view as at 10/09/2007.

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*Structures, works, etc. on, in, under, over or near a road*

- 70. General duty to consult Department concerning exercise of statutory power to erect structure on, in or under road
- 71. Erection of a structure on road
- 72. Erection of scaffolding, hoardings, etc. on a road
- 73. Placing of rails, beams, cables, arches, etc. over a road
- 74. Festive lighting on roads
- 75. Restriction on construction of buildings over road
- 76. Restriction on construction of bridges over road
- 77. Restriction on construction of cellars, etc. under road
- 78. Excavations in a road
- .....
- 79. Placing of apparatus in or under a road
- 80. Construction of permitted means of access to a road
- 81. Provision of milk tanker facility on or near road
- 82. Excavations near a road
- 83. Alteration of wall, fence or drain at side of road
- 84. Provisions supplementary to preceding provisions of this Part

*Other interference with roads*

- 85. Causing damage to roads
- 86. Vehicle-crossings over footways and verges
- 87. Advertisements, pictures, signs, etc.
- 88. Obstruction of roads
- 89. Lighting fires or discharging fireworks near a road
- 90. Pitching stalls or offering things for sale on a road
- 91. Encamping on a road
- 92. Playing games on a road
- 93. Animals on a road
- 94. Depositing of things on roads
- 95. Matter spilling or flowing onto roads from vehicles or adjoining land
- 96. Control of builders' skips
- 97. Removal of builders' skips

PART VIII

ROAD FERRIES

- 98. Interpretation of this Part
- 99. Provision of road ferry services by, or on behalf of, the Department
- 100. Road ferry services provided otherwise than by, or on behalf of, the Department
- 101. Charges for road ferry services
- 102. Byelaws in connection with road ferry services
- 103. Duty to provide timetable for, and notify disruption of, road ferry service
- 104. Use of road ferry undertaking for other purposes
- 105. Power of Department to carry out works
- 106. Application of 1847 Act to certain ferry landing places
- 107. Functions of Department in relation to certain ferry landing places and surrounding limits
- 108. Power to dredge
- 109. Repeal of local enactment and transitional provisions

## PART IX

### POWERS OF DEPARTMENT IN RELATION TO LAND

#### *Acquisition of land*

- 110. Acquisition of land for purposes of functions under this Order
- 111. Acquisition of land for resettlement of undertakings
- 112. Acquisition of land for mitigation of adverse effect of road construction or improvement
- 113. Vesting orders
- 114. Appropriation or disposal of land acquired under this Part

#### *Development of land*

- 115. Development of land for resettlement of undertakings
- 116. Execution of works in connection with roads
- 117. Agreements as to use of land near roads

#### *Miscellaneous powers*

- 118. Power to obtain information as to ownership of land
- 119. Power to enter on land
- 120. Power to enter land for construction of temporary works

## PART X

### MISCELLANEOUS AND SUPPLEMENTARY

#### *Financial provisions*

- 121. Expenses of Department
- 122. Execution of works by Department at expense of another
- 123. Recovery of certain expenses by Department
- 124. Repayment of charges, rates and tolls
- 125. Power to pay expenses of persons moving temporarily during works for construction or improvement of road
- 126. Loans to certain undertakings affected by acquisition of land

#### *Miscellaneous*

- 127. Duty to have regard to needs of disabled and blind in executing works, etc.
- 128. Consultation with district councils
- 129. Obligation to give information as to identity
- 130. Inquiries
- 131. Arbitration  
Art. 132 rep. by 1997 NI 2

#### *Supplementary*

- 133. Orders and regulations
- 133A. Concurrent proceedings under this Order
- 134. Saving provisions, consequential amendments, repeals and revocations

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## SCHEDULES

### SCHEDULE 1 — CLASSES OF TRAFFIC FOR PURPOSES OF SPECIAL ROADS

1. Class I
2. Class II
3. Heavy and light locomotives when being used for or in ...
4. Motor vehicles and trailers constructed for naval, military, air force ...
5. Class III
6. Class IV
7. Class V
8. Class VI
9. Class VII
10. Class VIII
11. Class IX
12. Class X
13. Class XI
14. In this Schedule— “abnormal indivisible load” means a load which— ...

### SCHEDULE 2 — SUPPLEMENTARY PROVISIONS AS TO TERMINATION OF CONCESSION

#### — Introductory

1. The provisions of this Schedule apply in relation to the ...  
— Property to vest free from security rights
2. Property vesting in the Department shall do so free from ...  
— Recovery of property taken in pursuance of legal process
3. Where before the ending of the concession possession of any ...  
— Validity of previous discharge of liabilities
4. Where a liability has been discharged before the ending of ...  
— Property subject to covenants, conditions or restrictions
5. Except as provided by paragraph 2, property vesting in the ...  
— Transfer of agreements, etc.
6. Subject to the concession agreement and to paragraph 2, all ...  
— Legal or other proceedings
7. Subject to the concession agreement, all legal or other proceedings ...  
— Transfer of employees
8. For the purposes of the Transfer of Undertakings (Protection of ...

### SCHEDULE 3 — PROCEDURE IN CONNECTION WITH TOLL ORDERS

#### — Publicity for proposals

1. Where the Department proposes to make a toll order, it ...  
— Making of objections
2. A person who objects to the making of a toll ...  
— Local inquiry
3. If an objection is received by the Department within the ...  
— Making or confirmation of order
4. The Department, after considering— any objections which are not withdrawn; ...  
— Assembly procedure
5. Except as provided by sub-paragraph (2), a toll order shall ...

### SCHEDULE 4 — PREVENTION OF OBSTRUCTION TO VIEW, ETC.

1. (1) Notice under Article 49 may be served— (a) upon the owner or occupier of...
2. Any restrictions imposed by a notice served under Article 49 shall be registered pursuant to...
3. (1) If any person upon whom a notice has been served under Article 49 objects...
4. Any person upon whom a notice is served under Article 49 shall have power, notwithstanding...
5. (1) Where notice has been served upon any person under Article 49 the Department may,...
6. Subject to the provisions of this Schedule, if any person upon whom a notice has...
7. Where a person convicted of an offence under paragraph 6 continues to contravene the notice...
8. (1) Any person upon whom a notice is served under Article 49 shall be entitled...
9. Nothing in Article 49 or this Schedule shall apply with respect to any building or...
10. Article 49 and this Schedule shall apply to stacks of turf, hay, corn or other...

#### SCHEDULE 5 — PROCEDURE FOR MAKING ORDERS UNDER ARTICLE 69(1)

1. Where the Department proposes to make an order under Article 69(1), it shall publish in...
2. (1) The Department shall, not later than the date on which the notice referred to...
3. If it appears to the Department, when preparing an order, that a new means of...
4. If, before the expiration of the period referred to in paragraph 1(b), the Department receives...
5. After considering— (a) any objections to the proposed order which are not withdrawn; (b) where...

#### SCHEDULE 6 — TIDAL WORKS

1. Where the Department constructs, alters or extends any tidal work in contravention of paragraph (3)...
2. (1) Where the Department abandons any tidal work, or allows it to fall into disrepair,...
3. Where any tidal work constructed by the Department is damaged or decays, the Department shall—...
4. (1) The Secretary of State may cause a survey and examination to be made — (a)...
5. (1) The Department shall, while a tidal work is being constructed, altered or extended— (a)...
6. It shall be the duty of the Department to comply with any notice served on...

#### SCHEDULE 7 — MODIFICATIONS OF SCHEDULE 6 TO THE LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1972 FOR THE PURPOSES OF ARTICLE 113(2)

1. References to the Ministry or council shall be construed as references to the Department within...

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2. References to Schedule 6 to the Local Government Act (Northern Ireland) 1972 shall be construed...
3. Omit paragraph 1 of that Schedule.
4. In paragraph 2 of that Schedule— (a) for the words from “Notice of application” to...
5. In paragraph 3— (a) in sub-paragraph (1)(b) for the words from “unless no representations” to...
6. In paragraph 4 omit the words from “and may provide” onwards.
7. In paragraph 5— (a) in sub-paragraph (1)(a) omit the words “in the prescribed form and...
8. In paragraph 6(2) for the words “fund out of which the expenses of the council...
9. In paragraph 10 for sub-paragraph (3) substitute— (2A) Where a notice is served by any...
10. In paragraph 11(3) omit the words “in the prescribed form”.
11. In paragraph 12— (a) in sub-paragraph (1) omit the words “such” and “as may be...
12. In paragraph 14(1) omit the words “in the prescribed form”.
13. In paragraph 15(1) for the words “in the prescribed form” substitute the words “in such...
14. Omit paragraph 19.
15. Omit paragraph 20(2).

SCHEDULE 8 — PROCEDURE FOR MAKING ORDERS UNDER ARTICLES 4(1), 5(1), 6, 14(1), ...

1. Before making an order the Department shall publish in the ...
2. The Department shall, not later than the date on which ...
3. Where the proposed order provides for the abandonment or stopping-up ...
4. If, before the expiration of the period referred to in ...
5. After considering— any objections to the proposed order which are ...
6. If it appears to the Department that in any order ...

SCHEDULE 9 — SAVING PROVISIONS

— Electronic communications apparatus

1. Subject to paragraph 2, nothing in this Order or in any order made under it...
2. (1) Where in pursuance of an order under Article 68 any road is stopped-up or...
3. Paragraph 23 of the electronic communications code (which provides a procedure for certain cases where...  
— Preservation of certain savings in Roads (Northern Ireland) Order 1980
4. The repeal by this Order of Schedule 7 to the Roads (Northern Ireland) Order 1980...

— Schedule 10—Amendments

— Schedule 11—Repeals



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