
STATUTORY INSTRUMENTS

1993 No. 3160

The Roads (Northern Ireland) Order 1993

PART VI

ABANDONMENT AND STOPPING-UP OF ROADS AND PRIVATE ACCESSES

Abandonment and stopping-up of roads

68.—(1) The Department may by order provide for—

- (a) the abandonment of any road; or
- (b) the stopping-up of any road.

(2) On the coming into operation of an order for the abandonment of a road—

- (a) the road shall cease to be maintainable by the Department; and
- (b) any public right of way over the road shall be extinguished.

(3) An order for the stopping-up of a road shall authorise the Department to carry out such works as it considers necessary to prevent or restrict to such extent as the Department thinks fit, access to the road by road traffic.

(4) No order shall be made under paragraph (1) in relation to a road unless—

- (a) the Department is of the opinion that the road is not necessary for road traffic or that another road is available which provides, or is capable, if improved, of providing, alternative facilities for road traffic; or
- (b) the order provides for the carrying out by the Department or any other person of such works as the Department considers necessary for the provision of alternative facilities for road traffic before the road is stopped-up or abandoned.

(5) An order made under paragraph (1) may—

- (a) provide for the retention or removal of any cables, wires, mains, pipes or other apparatus placed along, across, over or under the stopped-up or abandoned road; and
- (b) provide for the extinction, modification or preservation of any rights as to the use or maintenance of such cables, wires, mains, pipes or apparatus;

and may contain such consequential, incidental and supplementary provisions as appear to the Department to be necessary or expedient for the purposes of the order.

(6) The Department may by order under this paragraph—

- (a) revoke any order for the time being in operation under paragraph (1)(b); and
- (b) authorise the removal of any works carried out in pursuance of such an order.

(7) Where all the owners and occupiers of land adjoining a road request the Department in writing to make an order under paragraph (1) in respect of the road, the Department may make such an order if (in addition to the condition mentioned in paragraph (4)(a) or (b) being fulfilled) it is satisfied that provision has been made, upon terms agreed by all the owners and occupiers and the Department, for the payment by the owners and occupiers of—

- (a) the costs of any works which by any provision of the order the Department or any other person is required to carry out;
- (b) the expenses of the Department in making the order; and
- (c) compensation in respect of the extinction or modification by the order of any right of any person;

and, accordingly, where an order is made under paragraph (1) at the request of all the owners and occupiers of land adjoining the road, they shall meet the costs and expenses and pay the compensation mentioned above.

(8) Where the Department makes an order under paragraph (1) otherwise than at the request of all the owners and occupiers of land adjoining the road, the Department shall—

- (a) meet the costs of any works which by any provision of the order any person is required to carry out; and
- (b) pay compensation in respect of the extinction or modification by the order of any right of any person.

(9) Any question of disputed compensation arising under this Article shall be referred to and determined by the Lands Tribunal.

Stopping-up of private accesses

69.—(1) Where the Department considers that the use of a private means of access from a road to any land is likely to cause danger to, or to interfere unreasonably with, traffic on the road, the Department may make an order providing for—

- (a) the stopping-up of the access to the land;
- (b) the provision of a new means of access to the land.

(2) No order shall be made under paragraph (1)(a) unless the Department is satisfied that—

- (a) access from the road to the land is not reasonably required; or
- (b) another reasonably convenient means of access to the land is available or will be provided in pursuance of an order made under paragraph (1)(b).

(3) The Department may agree with the occupiers of any land and any other person having an estate therein that any private means of access to the land from a road shall be stopped-up by it and, where it appears to the parties to be necessary, may provide a new means of access to the land.

(4) The Department may stop-up a means of access in any way that seems to it to be appropriate, but shall not do so in such a way as to obstruct any public right of way on foot.

(5) Schedule 5 shall have effect in relation to an order made under paragraph (1).

(6) Any person, other than a person exercising a public right of way on foot, who uses a means of access which has been stopped-up under this Article shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(7) Article 19 (compensation where rights of access stopped-up or restricted) shall apply where access to any land has been stopped-up under this Article in the same manner as it applies where access to any land has been stopped-up under Article 18(1).