

SCHEDULES

SCHEDULE 8

Article 133(1).

PROCEDURE FOR MAKING ORDERS UNDER ARTICLES 4(1), 5(1), 6, 14(1), 15(1), 18(1) AND 68(1)

1. Before making an order the Department shall publish in the Belfast Gazette and once at least in each of two successive weeks in one or more newspapers circulating in the area in which the road, bridge, tunnel, foreshore, land or navigable watercourse to which the order relates is, or is to be, situated a notice—

- (a) stating the general effect of the proposed order;
- (b) specifying a place in that area where a copy of a draft of the order and of any relevant map or plan may be inspected by any person free of charge at all reasonable hours during a period of not less than 30 days from the date of the last publication of the notice; and
- (c) stating that, within that period, any person may, by notice to the Department, inform it of the grounds upon which he objects to the making of the order.

2.—(1) The Department shall, not later than the date on which the notice referred to in paragraph 1 is last published, serve a copy thereof together with a copy of a draft of the order and of any relevant map or plan on—

- (a) a relevant body in whose area any road, bridge, tunnel, foreshore, land or navigable watercourse to which the order relates is, or is to be, situated;
- (b) in relation to an order under Article 6 or any order affecting the foreshore, the Crown Estate Commissioners;
- (c) in relation to an order under Article 4(1), 5(1) or 6, the Secretary of State concerned with navigation;
- (d) in relation to an order under Article 68(1), the owner of any cables, wires, mains, pipes or other apparatus placed along, across, over or under any road to which the order applies.

(2) Where the Department proposes to modify the terms of the draft of the order, the Department shall give and publish, in such manner as appears to it to be appropriate, such additional notices as the Department considers appropriate for informing all persons likely to be adversely affected by the modification.

(3) In this paragraph “relevant body” means—

- (a) in the case of an order under Article 4(1), 5(1) or 6—
 - (i) the Commissioners of Irish Lights,
 - (ii) a district council,
 - (iii) a harbour authority as defined in the Harbours Act (Northern Ireland) 1970^{F1},
 - (iv) the Fisheries Conservancy Board,
 - (v) the Foyle Fisheries Commission,
- (b) in any other case, a district council.

Status: Point in time view as at 01/01/2006.

Changes to legislation: There are currently no known outstanding effects for the The Roads (Northern Ireland) Order 1993, SCHEDULE 8. (See end of Document for details)

F1 1970 c. 1 (N.I.)

3. Where the proposed order provides for the abandonment or stopping-up of any road, the Department shall, not later than the date on which the notice referred to in paragraph 1 is last published, cause a copy of that notice to be displayed in a prominent position on that part of the road which is proposed to be abandoned or stopped-up.

4.—(1) If, before the expiration of the period referred to in paragraph 1(b), the Department receives an objection from any person on whom a copy of the notice is required to be served under paragraph 2(1) or from any other person appearing to it to be affected, it shall, subject to sub-paragraph (2), cause a local inquiry to be held unless the objection is withdrawn.

(2) Unless the objection is made by a person on whom a notice was served under paragraph 2(1), the Department may dispense with an inquiry if it is satisfied that it is unnecessary to hold one.

5. After considering—

- (a) any objections to the proposed order which are not withdrawn; and
- (b) where a local inquiry is held, the report of the person who held it,

the Department may make the order either without modifications or subject to such modifications as it thinks fit.

6. If it appears to the Department that in any order to which this Schedule applies the description of any road, bridge, tunnel, foreshore, land or navigable watercourse is in any respect incorrect or insufficiently clear, the Department may by order make such modifications in the provisions of the first-mentioned order as may be necessary for correcting or clarifying such description and the provisions of this Schedule shall not apply to such an order, but the Department shall publish notice of the making of the order in one or more than one newspaper circulating in the area to which the order relates.

Status:

Point in time view as at 01/01/2006.

Changes to legislation:

There are currently no known outstanding effects for the The Roads (Northern Ireland) Order 1993, SCHEDULE 8.