
STATUTORY INSTRUMENTS

1995 No. 3210

The Street Works (Northern Ireland) Order 1995

Duties and liabilities of undertakers with respect to apparatus

Duty to maintain apparatus

41.—(1) An undertaker having apparatus in the street shall secure that the apparatus is maintained to the reasonable satisfaction of—

- (a) the street authority, as regards the safety and convenience of persons using the street (having regard, in particular, to the needs of people with a disability), the structure of the street and the integrity of apparatus of the authority in the street, and
- (b) any other relevant authority, as regards any land, structure or apparatus belonging to it;

and he shall afford reasonable facilities to each such authority for ascertaining whether it is so maintained.

(2) For this purpose maintenance means the carrying out of such works as are necessary to keep the apparatus in efficient working condition (including periodic renewal where appropriate); and includes works rendered necessary by other works in the street, other than major road, bridge or transport works (As to which, see Articles 44 and 45).

(3) If an undertaker fails to give a relevant authority the facilities required by this Article—

- (a) the street authority may in such cases as may be prescribed, and
- (b) any other relevant authority may in any case,

execute such works as are needed to enable it to inspect the apparatus in question, including any necessary breaking up or opening of the street.

(4) If an undertaker fails to secure that apparatus is maintained to the reasonable satisfaction of a relevant authority in accordance with this Article—

- (a) the street authority may in such cases as may be prescribed, and
- (b) any other relevant authority may in any case,

execute any emergency works needed in consequence of the failure.

(5) The provisions of this Order apply in relation to works executed by a relevant authority under paragraph (3) or (4) as if they were executed by the undertaker; and the undertaker shall indemnify the authority in executing the works.

(6) A relevant authority which executes or proposes to execute any works under paragraph (3) or (4) shall give notice to any other relevant authority as soon as reasonably practicable stating the general nature of the works.

(7) Nothing in paragraph (3) or (4) shall be construed as excluding any other means of securing compliance with the duties imposed by paragraph (1).