

**Changes to legislation:** The Water and Sewerage Services (Northern Ireland) Order 2006, Cross Heading: Special protection for certain undertakings in respect of street works is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

## SCHEDULES

### SCHEDULE 10

#### PROTECTIVE PROVISIONS IN RESPECT OF CERTAIN UNDERTAKINGS

### PART I

#### PROVISIONS APPLYING GENERALLY

*Special protection for certain undertakings in respect of street works*

3.—(1) Subject to the following provisions of this paragraph and without prejudice to the other provisions of this Schedule, the powers under Articles 219, 222 and 223 to break up or open a street shall not be exercisable where the street, not being a road—

- (a) is under the control or management of, or is maintainable by, a railway undertaking or a navigation authority; or
- (b) forms part of a level crossing belonging to any such undertaking or to such an authority or to any other person,

except with the consent of the undertaking or authority or, as the case may be, of the person to whom the level crossing belongs.

(2) Sub-paragraph (1) shall not apply to any exercise of the powers mentioned there for the carrying out of emergency works, within the meaning of Article 6 of the Street Works (Northern Ireland) Order 1995 (NI 19).

(3) A consent given for the purposes of sub-paragraph (1) may be made subject to such reasonable conditions as may be specified by the person giving it but shall not be unreasonably withheld.

(4) Any dispute—

- (a) as to whether a consent for the purposes of sub-paragraph (1) should be given or withheld; or
- (b) as to whether the conditions to which any such consent is made subject are reasonable,

shall be referred to the arbitration of a single arbitrator appointed by agreement between the parties to the dispute or, in default of agreement, by the President of the Institution of Civil Engineers.

(5) If any relevant undertaker contravenes, without reasonable excuse, the requirements of sub-paragraph (1), it shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

#### Commencement Information

- II Sch. 10 para. 3 wholly in operation at 1.4.2007, see art. 1(2) and S.R. 2007/194, art. 2(2), Sch. 1 Pt. II (subject to art. 3, Sch. 2)

**Status:**

Point in time view as at 01/04/2007.

**Changes to legislation:**

The Water and Sewerage Services (Northern Ireland) Order 2006, Cross Heading: Special protection for certain undertakings in respect of street works is up to date with all changes known to be in force on or before 07 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.