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STATUTORY RULES OF NORTHERN IRELAND

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**1998 No. 196 (C. 7)**

**ROADS  
STREET WORKS**

**The Street Works (1995 Order) (Commencement  
No. 3) Order (Northern Ireland) 1998**

*Made - - - - 22nd May 1998*

The Department of the Environment, in exercise of the powers conferred on it by Article 1(2) of the Street Works (Northern Ireland) Order 1995<sup>(1)</sup> and paragraph 2(1) of Schedule 1 to the Northern Ireland Act 1974<sup>(2)</sup> and of all other powers enabling it in that behalf, hereby makes the following Order:

**Citation and interpretation**

1.—(1) This Order may be cited as the Street Works (1995 Order) (Commencement No. 3) Order (Northern Ireland) 1998.

(2) In this Order “the Order” means the Street Works (Northern Ireland) Order 1995.

**Appointed day**

2. The day appointed for the coming into operation of the provisions of the Order specified in the Schedule shall be 1st June 1998.

Sealed with the Official Seal of the Department of the Environment on

L.S.

22nd May 1998.

*J. Carlisle*  
Assistant Secretary

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(1) S.I. 1995/3210 (N.I. 19)  
(2) 1974 c. 28

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## SCHEDULE

Article 2

Provisions of the Order for which 1st June 1998 is appointed as the day of coming into operation

Provisions of the Order	Subject matter
Article 43	Works for road purposes likely to affect apparatus in the street
Article 44(1), (3), (4) and (5)	Measures necessary where apparatus affected by major works
Schedule 3 in respect of paragraph 33(b) and Article 60(1) so far as it relates to that paragraph	Minor and consequential amendments

**EXPLANATORY NOTE**

*(This note is not part of the Order.)*

This Order brings into operation on 1st June 1998 Article 43 and Article 44(1), (3), (4) and (5) of the Street Works (Northern Ireland) Order 1995.

Article 43 requires a person executing works for road purposes, other than major road works, which are likely to affect apparatus in the street, to give the owner of that apparatus reasonable facilities to monitor the execution of the works and to comply with any requirement of the owner for protection of the apparatus or for securing access to it.

Where an authority other than the Department fails to comply it shall be an offence.

Article 44(1), (3), (4) and (5) places a requirement on an authority carrying out or planning major road works, major bridge works or major transport works and the owners of apparatus which may be affected by those works to identify any measures necessary to protect the apparatus; agree a specification of those measures and by whom they should be taken and to co-ordinate the taking of those measures and the execution of the works.

Any cases of dispute which arise are to be settled by arbitration.

Schedule 3, paragraph 33(b) makes a consequential amendment to the Airports (Northern Ireland) Order 1994 (S.I. 1994/426 (N.I. 1)).

**NOTE AS TO EARLIER COMMENCEMENT ORDERS**

The following provisions of the Street Works (Northern Ireland) Order 1995 have been brought into operation on 13th April 1997 by the Street Works (1995 Order) (Commencement No. 2) Order (Northern Ireland) 1997 (S.R. 1997 No. 215 (C. 11))—

Article 25(1), (2), (4), (5) and (6).

The following provisions of the Street Works (Northern Ireland) Order 1995 have been brought into operation on 3rd June 1996 by the Street Works (1995 Order) (Commencement No. 1) Order (Northern Ireland) 1996 (S.R. 1996 No. 223 (C. 10))—

Articles 1 to 10,

Article 13(4),

Article 16(2) and (4),

Article 18,

Article 19(3),

Article 20(2),

Article 22,

Article 25(3),

Articles 26 to 31,

Articles 35 to 38,

Article 41(3) and (4),

Article 44(2),

Articles 45 and 46,

Article 50,

Articles 52 to 55,

Articles 57 to 59,

Paragraphs 2, 3, 9 and 33(a) of Schedule 3 and Article 60(1) in so far as it relates to them. Schedule 4 and Article 60(2) in so far as relating to paragraph 1(5) of Schedule 2 to the Telecommunications Act 1984.