
DRAFT STATUTORY INSTRUMENTS

2007 No.

The Street Works (Amendment) (Northern Ireland) Order 2007

Enforcement

Fixed penalty offences

24.—(1) After Article 52 of the 1995 Order (offences) there is inserted—

“Fixed penalties for certain offences under this Order

52A.—(1) Any offence under this Order relating to any street works which is listed in paragraph (3) is a fixed penalty offence for the purposes of this Order.

(2) Offences listed in that paragraph which are committed by virtue of section 20(2) of the Interpretation Act (Northern Ireland) 1954 (c. 33) (offences by bodies corporate) are not fixed penalty offences.

(3) The offences are—

- (a) an offence under Article 14(4) (failure to comply with duties under Art. 14 (advance notice of certain works, etc.));
- (b) an offence under Article 15(5) (beginning to execute works in contravention of Art. 15 (notice of starting date));
- (c) an offence under Article 15(9) (failure to give notice in accordance with Art. 15(8) (notice to be given on Art. 15 notice ceasing to have effect));
- (d) an offence under Article 17(4) (failure to give notice in accordance with Art. 17 (notice of emergency works));
- (e) an offence under Article 30(6) consisting of a failure to comply with paragraph (3) or (4A) (failure to comply with requirements to give notice of completion of reinstatement);
- (f) an offence created by regulations made under Article 34(7A) (failure to give a notice required by regulations under Art. 34 (charge for occupation of the road where works unreasonably delayed));
- (g) an offence created by regulations made under Article 34A(8) (failure to give a notice required by regulations under Art. 34A (charge determined by reference to duration of works)).”

(4) The Department may by order modify paragraph (3) so as to provide for offences under this Order relating to any street works to become (or cease to be) fixed penalty offences.

(5) Such an order may not be made unless a draft of the order has been laid before and approved by resolution of the Assembly.

(6) Schedule 2A (which makes provision about fixed penalties for fixed penalty offences) has effect.”

(2) After Schedule 2 to that Order there is inserted Schedule 2A as set out in Schedule 2 to this Order.