
DRAFT STATUTORY INSTRUMENTS

2007 No.

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

Duties of undertakers with respect to apparatus

Records of location of apparatus

22.—(1) Article 39 of the 1995 Order (records of location of apparatus) is amended as follows.

(2) After paragraph (1) there is inserted—

“(1A) An undertaker may, except in such cases as may be prescribed, include in his records under paragraph (1) a record of the location of any item of apparatus belonging to him which is not required to be so included, stating the nature of the apparatus and (if known) whether it is for the time being in use.”.

(3) After paragraph (2) there is inserted—

“(2A) Regulations under paragraph (2) which alter the form or manner in which the records are to be kept may apply to records made before (as well as records made after) the alterations take effect.”.

(4) After paragraph (3) there is inserted—

“(3A) In paragraphs (2) to (3) the references to an undertaker’s records are to the records kept by him under paragraph (1) (including anything included in those records by virtue of any provision of this Order or any other statutory provision).”.

Duties relating to the location of unexpected apparatus

23.—(1) Article 40 of the 1995 Order (duties where person finds unidentified apparatus) is amended as follows.

(2) In paragraph (1) for “made available by the undertaker” there is substituted “kept by the undertaker under Article 39(1) and made available by him”.

(3) After paragraph (1) there is inserted—

“(1A) Paragraph (1) has effect subject to such exceptions as may be prescribed.”.

(4) For paragraphs (2) and (3) there is substituted—

“(2) Where a person executing works of any description in the street finds apparatus which does not belong to him and is unable, after taking such steps as are reasonably practicable, to ascertain to whom the apparatus belongs, he shall comply with such requirements (if any) as may be prescribed for the purpose of securing that he—

- (a) makes and keeps a record of the location of the apparatus and (so far as appears from external inspection) its nature and whether it is in use; and
- (b) informs the street authority or any other person of those matters.

(2A) Regulations under paragraph (2) may make provision—

- (a) as to the form and manner in which records are to be kept;

(b) as to the form and manner in which, or the time at or by which, information is to be given; and

(c) for records which are to be kept by undertakers to be included in the records kept by them under Article 39(1).”.

(5) In paragraph (4) for “(2)” there is substituted “any requirement imposed on him by regulations under paragraph (2)”.

(6) After paragraph (4) there is added—

“(5) The Department may by regulations make provision for and in connection with the keeping by the Department of a register of information recorded by undertakers in pursuance of a requirement imposed under paragraph (2).

(6) Regulations under paragraph (5) may make provision about the inspection of the register by any person having authority to execute works of any description in the street or otherwise appearing to the Department to have a sufficient interest.”.