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## STATUTORY INSTRUMENTS

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# 1992 No. 3203 (N.I. 19)

## The Private Streets (Amendment) (Northern Ireland) Order 1992

- - - - - 17th December 1992

### *Title and commencement*

1.—(1) This Order may be cited as the Private Streets (Amendment) (Northern Ireland) Order 1992.

(2) Subject to paragraph (3), this Order shall come into operation on the expiration of 2 months from the day on which it is made.

(3) Article 3 shall come into operation on such day as the Head of the Department of the Environment may by order appoint<sup>F1</sup>.

#### **Annotations:**

**F1** fully exercised by SR 2001/72

### *Interpretation*

2.—(1) The Interpretation Act (Northern Ireland) 1954<sup>F2</sup> shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order “the principal Order” means the Private Streets (Northern Ireland) Order 1980<sup>F3</sup>.

#### **Annotations:**

**F2** [1954 c. 33 \(N.I.\)](#)

**F3** 1980 NI 12

### *Provision of lighting for private streets*

3.—(1) In Article 2(2) of the principal Order at the end of the definition of “street works” there shall be added the words “and includes the provision of proper means for lighting a street”.

(2) In Part III of the principal Order after Article 10 there shall be inserted the following Article—

#### **“Vesting and control of lighting equipment**

**10A.** Any lamps, lamp posts, cables or other equipment installed for the purpose of providing a proper means for lighting a street which becomes a public road after the coming into operation of Article 3 of the Private Streets (Amendment) (Northern Ireland) Order 1992

shall, unless already so vested, vest in and be under the control of the Department from the date on which that street becomes a public road.”.

(3) In Article 11 of the principal Order—

- (a) in paragraph (1) for the words “and made good” there shall be substituted “, made good and lighted”; and
- (b) in paragraph (4) after the word “level,” there shall be inserted “lighting”.

***Works for the improvement of a public road joined by a private street***

4.—(1) In Article 3 of the principal Order after paragraph (4) there shall be inserted the following paragraphs—

“(4A) Where street planning functions are exercisable by the Department in relation to a street which joins an existing public road, the Department may, subject to paragraph (4B), attach to any determination under this Article in respect of that street a requirement that such works as the Department considers necessary for the improvement of that public road are carried out in accordance with an agreement under paragraph (4C).

(4B) Works required under paragraph (4A) for the improvement of a public road shall be works which are either—

- (a) within the boundary of that road; or
- (b) on land owned by the Department.

(4C) The Department may enter into an agreement under seal with any person—

- (a) for the carrying out at the expense of that person of works required under paragraph (4A); and
- (b) for the issue of a certificate by the Department when those works have been completed in accordance with the agreement and the terms and conditions of the agreement have been duly complied with.

(4D) An agreement under paragraph (4C) between the Department and any other person—

- (a) shall contain such detailed provisions as to the nature of the works to be carried out as the Department thinks fit; and
- (b) may include provision for ensuring that, for such period as may be specified in the agreement, any defects in those works shall be remedied by, and at the expense of, that person.

(4E) The person with whom the Department enters into an agreement under paragraph (4C) shall secure the due performance of the agreement by means of a guarantee bond or by any other means acceptable to the Department.

(4F) A certificate issued by the Department under paragraph (4C)(b) in respect of any works shall be conclusive for all purposes of this Order that those works have been carried out in accordance with the agreement.

(4G) In paragraph (4A) “improvement” has the same meaning as in Article 23 of the Roads (Northern Ireland) Order 1980.”.

(2) In Article 7(2) of the principal Order at the beginning there shall be inserted the words “Subject to paragraph (2A),” and after that paragraph there shall be inserted the following paragraph—

“(2A) Where a requirement mentioned in Article 3(4A) is attached to a determination given under Article 3(1) in respect of a street, the Department shall not issue a preliminary certificate under paragraph (2) unless the Department is satisfied that that requirement has been complied with.”.