

*Changes to legislation: There are currently no known outstanding effects for the Litter Act 1983, SCHEDULE 1. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1 **E+W**

Section 5.

#### CONSENTS REQUIRED UNDER SECTION 5

##### Modifications etc. (not altering text)

- C1** Sch. 1: functions of the Secretary of State for Transport made exercisable by, or by employees of, such person as may be authorised in that behalf by the Secretary of State for Transport (25.7.1995) by [S.I. 1995/1986, art. 2, Sch. 3 para. 6](#)  
Sch. 1: functions of a local highway authority made exercisable by, or by employees of, such person as may be authorised in that behalf by the local highway authority whose function it is (23.7.1999) by [S.I. 1999/2106, art. 2, Sch. 3 para. 6](#)
- C2** Sch. 1: functions of the Secretary of State or a local highway authority made exercisable by, or by employees of, such person (if any) as may be authorised to do so by the Secretary of State (24.3.2009) by [The Contracting Out \(Highway Functions\) Order 2009 \(S.I. 2009/721\), arts. 1, 3, Sch. 3 para. 6](#)
- C3** [Sch. 1](#) functions made exercisable as specified (E.) (1.4.2015) by [The Delegation of Functions \(Strategic Highways Companies\) \(England\) Regulations 2015 \(S.I. 2015/378\), regs. 1\(1\), 3, Sch. 3 para. 4](#)

- 1 A litter authority shall not carry out works under section 5 above in any such situation or position as is described in an entry in column 1 of the following Table except with the consent of the person described in the corresponding entry in column 2.

TABLE

1.	2.
1. In a street which is a highway for which the litter authority are not the highway authority.	1. The highway authority for the street.
2. In a street belonging to and repairable by any railway, dock, harbour, canal, inland navigation or passenger road transport undertakers and forming the approach to a station, dock, wharf or depot of those undertakers.	2. The undertakers.
3. On a bridge not vested in the litter authority or on the approaches to such a bridge.	3. The authority or other person in whom the bridge is vested.
4. On a bridge carrying a street over a railway, canal or inland navigation, or on the approaches to such a bridge, or under a bridge carrying a railway, canal or inland navigation over a street.	4. The railway, canal or inland navigation undertakers concerned.

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<p>5. In a position obstructing or interfering with any existing access to land or premises abutting upon a street.</p>	<p>5. The owner and the occupier of the land or premises.</p>
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2      A consent required by this Schedule shall not unreasonably be withheld but may be given subject to any reasonable conditions, including a condition that the authority shall remove a litter bin or notice board either at any time or after the expiration of a period if reasonably required so to do by the person giving the consent.

3      Where the consent of the Secretary of State is required under this Schedule, any dispute between him and the authority as to—

- (a) whether the consent is unreasonably withheld or is given subject to reasonable conditions, or
- (b) whether the removal of anything to the provision of which the consent relates in accordance with any condition of the consent is reasonably required,

shall be referred to and determined by an arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers.

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