

SCHEDULES

THIRD SCHEDULE

Sections 43, 44 and 51.

CONSENTS REQUIRED FOR EXECUTION OF CERTAIN WORKS IN STREETS

- 1 In this Schedule " the authority " means the county council, local authority or parish council having power to carry out the works to which this Schedule applies.
- 2 The authority shall not carry out any works to which this Schedule applies in any such situation or position as is described in the first column of the following Table except with the consent of the person described in relation thereto in the second column of that Table.

TABLE

In any street which is a highway for which there is a highway authority other than the authority carrying out the works.	The highway authority.
In any street belonging to, and repairable by any railway, dock, harbour, canal, inland navigation or passenger road transport undertakers and forming the approach to any station, dock, wharf or depot of those undertakers.	The undertakers.
On any bridge not vested in the authority carrying out the works or on the approaches to any such bridge.	The authority or other person in whom the bridge is vested.
On any bridge carrying a street over any railway, canal or inland navigation, or on the approaches to any such bridge, or under any bridge carrying a railway, canal or inland navigation over a street.	The railway, canal or inland navigation undertakers concerned.
Except in the case of works under section forty-four of this Act, in a position obstructing or interfering with any existing access to any land or premises abutting upon a street.	The owner (as defined by the Public Health Act, 1936) and the occupier of the land or premises.

- 3 Any consent required by this Schedule in respect of any works shall not unreasonably be withheld but may be given subject to any reasonable conditions, including a condition that the authority shall remove the works either at any time or at or after the expiration of a period if reasonably required so to do by the person giving the consent.

Status: This is the original version (as it was originally enacted).

- 4 Any dispute between the authority and a person whose consent is required under this Schedule as to whether that consent is unreasonably withheld or is given subject to reasonable conditions, or 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—
- (a) in the case of a dispute between the authority and the Minister of Transport, be referred to and determined by an arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers, and
 - (b) in any other case, be referred to and determined by the Minister of Transport, who may cause a local inquiry to be held for that purpose,
- and section two hundred and ninety of the Local Government Act, 1933, shall apply in relation to a local inquiry held under this paragraph as it applies in relation to such an inquiry held under that Act.