



# Public Utilities Street Works Act 1950 (repealed 1.1.1993)

1950 CHAPTER 39 14 Geo 6

## PART IV

### GENERAL

*Provisions as to enforcement, and other general provisions*

#### **30 Provisions as to enforcement.**

- (1) Any provision of this Act creating a liability to a fine for breach of any obligation shall be without prejudice to any liability in civil proceedings for that breach.
- [<sup>F1</sup>(2) [<sup>F2</sup>Subject to subsection (2A) of this section, proceedings for an offence under] any provision of this Act creating a liability to a fine for breach of any obligation shall not, without the written consent of the Attorney General, be taken by any person other than an authority, body or person having an interest in the performance of the obligation.]
- [<sup>F3</sup>(2A) A constable may take proceedings for an offence under section 8 of this Act without the consent of the Attorney General.]
- (3) The provisions of this Act creating a liability to a fine for breach of any obligation shall not apply to any obligation in so far as it falls to be performed by any authority, body or person on behalf of the Crown.
- (4) Any obligation imposed by this Act to execute works (including an obligation to carry out reinstatement and making good) shall be treated as an obligation to begin the works as soon as is reasonably practicable after the time when the obligation arises and thereafter to carry on and complete them with all such dispatch as is reasonably practicable; and, if a failure to execute works in accordance with such an obligation is continued after conviction of the authority, body or person who are or is subject thereto of an offence in respect of the failure, they or he shall be guilty of a further offence.

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Public Utilities Street Works Act 1950 (repealed 1.1.1993), Part IV. (See end of Document for details)*

#### Textual Amendments

- F1** S. 30(2) repealed (S.) by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(3), [Sch. 11](#)
- F2** Words substituted (E.W.) by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), [s. 21\(1\)\(a\)](#)
- F3** S. 30(2A) inserted (E.W.) by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), [s. 21\(1\)\(b\)](#)

### 31 Arbitration.

- (1) Any matter which under this Act is to be determined by arbitration shall be referred to the arbitration of a single [<sup>F4</sup>arbitrator][<sup>F4</sup>arbiter] appointed by agreement between the parties concerned, or, in default of agreement, by the [<sup>F5</sup>President of the Institution of Civil Engineers][<sup>F5</sup>sheriff].
- [<sup>F6</sup>(1A) In any arbitration in accordance with the provisions of subsection (1) of this section the arbiter may, and if so directed by the Court of Session shall, state a case for the decision of the Court on any question of law arising in the arbitration; and the decision of the Court thereon shall be final unless the Court or the House of Lords give leave to appeal to the House of Lords against the decision.
- (1B) Leave under subsection (1A) above may be given on such terms as to expenses or otherwise as the Court or House of Lords may determine.]
- (2) Where, on a claim under any provision of this Act which confers in any circumstances a right to payment of an amount equal to cost reasonably incurred in respect of any matter, any question arises whether the cost in respect of which the claim is made was in fact incurred or was incurred in those circumstances or in respect of that matter, or as to the amount of any cost so incurred, or whether any cost so incurred was reasonably incurred, that question shall be determined by arbitration:

Provided that this subsection shall not apply to a claim under the provisions as to compensation or indemnity of section eighteen, nineteen or twenty-six of this Act.

#### Textual Amendments

- F4** Word “arbiter” substituted (S.) for word “arbitrator” by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), [Sch. 9 para. 39\(26\)\(a\)\(i\)](#)
- F5** Word “sheriff” substituted (S.) for words “President of the Institution of Civil Engineers” by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), [Sch. 9 para. 39\(26\)\(a\)\(ii\)](#)
- F6** S. 31(1A)(1B) inserted (S.) by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), [Sch. 9 para. 39\(26\)\(b\)](#)

### 32 Provisions against duplication of compensation, etc.

- (1) Where a right to a payment inuring for the benefit of any authority, body or person is conferred in respect of any matter by any provision of this Act for payment of compensation or for indemnity, and apart from this subsection there would fall to be made under any enactment or agreement passed or made before the passing of this Act a payment inuring for the benefit of the same authority, body or person in respect of the same matter, the right to the former payment in so far as it inures for the benefit of that authority, body or person shall be treated as being in or towards satisfaction of the right to the latter in so far as it inures for their or his benefit.

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- (2) Where a right to a payment in respect of any matter inuring for the benefit of the same authority, body or person is conferred by each of two or more provisions of this Act for payment of compensation or for indemnity, they or he shall be entitled to claim under such one only of those provisions as they or he may elect to enforce.

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

- C1** S. 32 explained (E.W.) by Highways Act 1980 (c. 66, SIF 59), **Sch. 23 para. 21**  
**C2** S. 32 amended (E.W.) by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 153(1), 160(1)(2) (4), 163, 189(4)–(10), 190, 193(1), Sch. 19 para. 2(6), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**  
**C3** S. 32(1) modified (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 156(2), **Sch. 10 para. 6**

### 33 Financial provisions.

- (1) ..... <sup>F7</sup>
- (2) ..... <sup>F8</sup> any sums received under this Act by any Minister of the Crown, ..... <sup>F9</sup>, shall be paid into the Exchequer.
- (3) The power of the [<sup>F10</sup>Minister to make advances under section eight of the <sup>M1</sup>Development and Road Improvement Funds Act 1909][<sup>F10</sup>Secretary of State to make advances under section 3(1) of the <sup>M2</sup>Roads (Scotland) Act 1984], shall include power to make advances to a [<sup>F11</sup>highway authority][<sup>F11</sup>roads authority] in respect of—
- (a) any amount paid by that authority as [<sup>F12</sup>the street][<sup>F12</sup>roads] authority under sub-paragraph (1) of paragraph 6 of the First Schedule to this Act, so far as that amount is not required by that authority to be paid to them by the undertakers under sub-paragraph (2) of that paragraph;
- (b) any amount paid by that authority as [<sup>F12</sup>the street][<sup>F12</sup>roads] authority under sub-paragraph (2) of paragraph 7, or under paragraph 8, of the said First Schedule.

#### Textual Amendments

- F7** S. 33(1) repealed by Miscellaneous Financial Provisions Act 1955 (4 & 5 Eliz. 2 c. 6, SIF 99:3), **Sch. 2 Pt. II**
- F8** Words repealed by Statute Law (Repeals) Act 1978 (c. 45), **Sch. 1 Pt. XI**
- F9** Words repealed by Miscellaneous Financial Provisions Act 1955 (4 & 5 Eliz. 2 c. 6, SIF 99:3), **Sch. 2 Pt. II**
- F10** Words “Secretary of State to make advances under s. 3(1) of the Roads (Scotland) Act 1984” substituted (S.) for words “Minister to make advances under section 8 of the Development and Road Improvement Funds Act 1909” by Roads (Scotland) Act 1984 (c. 54, SIF 108), **Sch. 9 para. 39(27)(a)**
- F11** Words “roads authority” substituted (S.) for words “highway authority” by Roads (Scotland) Act 1984 (c. 54, SIF 108), **Sch. 9 para. 39(27)(b)**
- F12** Word “roads” substituted (S.) for words “the street” by Roads (Scotland) Act 1984 (c. 54, SIF 108), **Sch. 9 para. 39(27)(c)**

#### Marginal Citations

- M1** 1909 c. 47.  
**M2** 1984 c. 54(108).

*Status: Point in time view as at 01/02/1991.*

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### 34 Notices, etc., and reckoning of periods.

- (1) In this Act the expression “notice” means a notice in writing.
- (2) Any notice required or authorised by this Act to be given to an authority or body being a corporation shall be duly given if it is given to the secretary or clerk of the authority or body.
- (3) Any notice required or authorised by this Act to be given to any person may be given either—
  - (a) by delivering it to that person; or
  - (b) by leaving it at his proper address; or
  - (c) by post;

so however that, where a notice is sent by post otherwise than in a registered letter, it shall be deemed not to have been given if it is proved that it was not received by the person to whom it was addressed.

- (4) For the purposes of this section, and of [<sup>F13</sup>section 7 of the <sup>M3</sup>Interpretation Act 1978] in its application to this section, the proper address of any person to whom such a notice as aforesaid is to be given shall, in the case of the secretary or clerk of a corporation, be that of the registered or principal office of the corporation, and, in any other case, be the last known address of the person to whom the notice is to be given:

Provided that, where the person to whom the notice is to be given has furnished an address for service in accordance with arrangements agreed in that behalf, his proper address for the purposes aforesaid shall be the address furnished.

- (5) If the name or the address of any owner, lessee or occupier of land to whom any such notice is to be given cannot after reasonable inquiry be ascertained by the authority, body or person seeking to give the notice, the notice may be given by addressing it to the person to whom it is to be given by the description of “owner”, “lessee” or “occupier” of the land (describing it) to which the notice relates, and by delivering it to some responsible person resident or appearing to be resident on the premises, or, if there is no such person to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.
- (6) The preceding provisions of this section shall apply to the submitting, furnishing or sending of a plan and section or other document as they apply to the giving of a notice.
- (7) For the purposes of this Act—
  - (a) in reckoning any period which is therein expressed to be a period from or before a given date, that date shall be excluded; and
  - (b) in reckoning any period therein mentioned of eight days or less which apart from this provision would include a day being a Sunday, Christmas Day, Good Friday or a bank holiday, that day shall be excluded.

In this subsection the expression “bank holiday” means a day which is, or is to be observed as, [<sup>F14</sup>a bank holiday under the <sup>M4</sup>Banking and Financial Dealings Act 1971], in the locality in which the [<sup>F15</sup>street][<sup>F15</sup>road] in question is situated.

#### Textual Amendments

**F13** Words substituted by virtue of [Interpretation Act 1978 \(c. 30, SIF 115:1\)](#), s. 25(2)

**F14** Words substituted by virtue of [Banking and Financial Dealings Act 1971 \(c. 80, SIF 10\)](#), s. 4(1)

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**F15** Word “road” in the definition of “bank holiday” substituted (S.) for word “street” by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), [Sch. 9 para. 39\(28\)](#)

#### Marginal Citations

**M3** 1978 c. 30(115:1).

**M4** 1971 c. 80(10).

### *Application to London and to Scotland*

#### **35 Application to London.**

- (1) This Act in its application to London, and to the Metropolitan and the City of London police districts, shall have effect subject to the provisions of the Seventh Schedule to this Act.
- (2) In this Act “London” means [<sup>F16</sup>Greater London], and “the City of London police district” means the City of London as defined for the purposes of the Acts relating to the City police.

#### Textual Amendments

**F16** Words substituted by [London Government Act 1963 \(c. 33, SIF 81:1\)](#), [s. 19\(3\)](#)

#### **36 Application to Scotland.**

- (1) ..... <sup>F17</sup>
- (12) Any inquiry in relation to an order under the Sixth Schedule to this Act shall, if the Secretary of State so directs, be held by Commissioners under the <sup>M5</sup>Private Legislation Procedure (Scotland) Act 1936; and any direction so given shall be deemed to have been given under section two as read with section ten of the <sup>M6</sup>Statutory Orders (Special Procedure) Act 1945, and the provisions of that Act with regard to the publication of notices in the Edinburgh Gazette shall, notwithstanding anything contained in the said Act, not apply to any order under the said Schedule which is subject to special parliamentary procedure.
- (13) Where no direction is given under the last preceding subsection, [<sup>F18</sup>subsections (2) to (8) of section 210 of the <sup>M7</sup>Local Government (Scotland) Act 1973] (which relate to procedure for holding local inquiries) shall apply in relation to a local inquiry held under the Sixth Schedule to this Act as they apply in relation to inquiries held under that section.
- (14) A [<sup>F19</sup>local authority][<sup>F19</sup>regional or islands council] shall not be liable for any loss, injury or damage arising from the execution of any undertakers’ works in any [<sup>F20</sup>street][<sup>F20</sup>road].

#### Textual Amendments

**F17** [S. 36\(1\)–\(11\)](#) repealed (S.) by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), [s. 156\(3\)](#), [Sch. 11](#)

**F18** Words substituted by virtue of [Local Government \(Scotland\) Act 1973 \(c. 65, SIF 81:2\)](#), [s. 237\(2\)](#)

**F19** Words “regional or islands council” substituted (S.) for words “local authority” by [Local Government \(Scotland\) Act 1973 \(c. 65, SIF 81:2\)](#), [Sch. 14 para. 51\(c\)](#)

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**F20** Word “road” substituted (S.) for word “street” by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), [Sch. 9 para. 39\(29\)](#)

#### Marginal Citations

**M5** 1936 c. 52(89).

**M6** 1945 c. 18(89).

**M7** 1973 c. 65(81:2).

### Interpretation

#### 37 References to property held or used for transport undertakings, and to powers for railway or tramway purposes.

(1) References in this Act to a [<sup>F21</sup>street][<sup>F21</sup>road] which crosses or is crossed by property held or used for the purposes of a transport undertaking extend to cases in which the [<sup>F21</sup>street][<sup>F21</sup>road] and the property in question are at different levels as well as to cases in which they are on the same level, but the transport authority shall not be treated as an authority concerned as regards undertakers’ works in such a [<sup>F21</sup>street][<sup>F21</sup>road], or be entitled to elect themselves to execute any of them, where the property in question consists only of—

- (a) subsoil of the [<sup>F21</sup>street][<sup>F21</sup>road], or land under it, which is held by the transport authority but is not used, and has not been adapted for use, for the purposes of the undertaking, or
- (b) property underground at such a depth that there is no reasonable possibility of the works’ affecting it;

and the Fourth Schedule to this Act (which requires notice and settling of specifications in connection with transport works which affect apparatus of undertakers) shall not apply where the property in which such works are to be executed is underground at such a depth that there is no reasonable possibility of their affecting the apparatus in question.

(2) The provisions of this Act relating to a [<sup>F21</sup>street][<sup>F21</sup>road] which crosses or is crossed by property held or used for the purposes of a transport undertaking shall apply to a [<sup>F21</sup>street][<sup>F21</sup>road] which is or forms part of a towing-path or other way running along a canal or inland navigation, being a path or way which, or the subsoil of which, is held or used for the purposes of the canal or inland navigation undertaking.

(3) References in this Act to a power conferred for purposes of a railway undertaking or a tramway undertaking include references to a power conferred primarily for those purposes but for other purposes also, and references therein to works, or to apparatus held or used, for purposes of a railway undertaking or a tramway undertaking, or for purposes of a railway undertaking, shall be construed in like manner.

#### Textual Amendments

**F21** Word “road” substituted (S.) for word “street” by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), [Sch. 9 para. 39\(30\)](#)

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### **38 References to powers to execute works in streets, to bridges, and to service pipes and lines.**

- (1) For the purposes of this Act—
- (a) a power to execute works in a place falling within the definition of a “[<sup>F22</sup>street][<sup>F22</sup>road]” in subsection (3) of section one of this Act shall be treated as included in references in this Act to a power to execute works in a [<sup>F22</sup>street][<sup>F22</sup>road], notwithstanding that that place is referred to in the enactment which creates the power by some word not comprised in that definition, and, in relation to such a power, references in this Act to a [<sup>F22</sup>street][<sup>F22</sup>road] shall be construed as references to that place;
  - (b) a power to execute works which extends both to a [<sup>F22</sup>street][<sup>F22</sup>road] and also to other land shall be treated as included in references in this Act to a power to execute works in a [<sup>F22</sup>street][<sup>F22</sup>road] in so far as it extends to a [<sup>F22</sup>street][<sup>F22</sup>road]; and
  - (c) a power to execute works which extends to the [<sup>F23</sup>roadway and footpaths][<sup>F23</sup>carriageway and footway] of a [<sup>F22</sup>street][<sup>F22</sup>road], or to some other part thereof, but not to the whole thereof, shall be treated as included in references in this Act to a power to execute works in a [<sup>F22</sup>street][<sup>F22</sup>road], and, in relation to such a power, references in this Act to the [<sup>F22</sup>street][<sup>F22</sup>road] in which it is exercisable shall be construed as references to the part to which the power extends, so however that land abutting on another part of it shall be treated for the purposes of provisions relating to controlled land as abutting on the [<sup>F22</sup>street][<sup>F22</sup>road] in which the power is exercisable.
- (2) In this Act references to a bridge include references to its approaches, and circumstances therein mentioned relating to a bridge shall be treated as existing if they exist either as to the bridge or as to its approaches or as to any part of either.
- (3) In this Act references to a service pipe or service line are to any such pipe or line as the following and to such only, that is to say—
- (a) a pipe or line through or by means of which a supply of gas, electricity or water is afforded or intended to be afforded to a consumer, either directly from premises from which the supply originates or from a main (that is to say, a pipe or line through or by means of which a supply thereof is afforded, or intended to be afforded, for the purposes of a general supply thereof);
  - (b) a pipe or line through or by means of which sewerage services are afforded or intended to be afforded, and which is [<sup>F24</sup>a private sewer or a drain within the meaning assigned to those expressions respectively by the <sup>M8</sup>Public Health Act 1936; or][<sup>F24</sup>not a sewer vested in a local authority]
  - <sup>F25</sup>(c) any telecommunication apparatus placed or intended to be placed underground for the purpose of providing a service by means of a telecommunication system to or from any premises, as distinct from telecommunication apparatus placed or intended to be placed for the general purposes of any such system]

Provided that so much of any such pipe or line as is placed, or intended to be placed, for a continuous length of one hundred yards or more in a [<sup>F22</sup>street][<sup>F22</sup>road] which is a [<sup>F26</sup>maintainable highway, or is prospectively a maintainable highway][<sup>F26</sup>public road, or prospective public road], shall be treated as not being a service pipe or service line.

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### Textual Amendments

- F22** Word “road” substituted (S.) for word “street” by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), [Sch. 9 para. 39\(31\)\(a\)](#)
- F23** Words “carriageway and footway” substituted (S.) for words “roadway and footpaths” by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), [Sch. 9 para. 39\(31\)\(b\)](#)
- F24** Words “not a sewer vested in a local authority” substituted (S.) for words from “a private” to the end of para. (b) by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), [Sch. 9 para. 39\(31\)\(c\)\(i\)](#)
- F25** [S. 38\(3\)\(c\)](#) substituted by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), [Sch. 4 para. 29\(3\)](#), [Sch. 5 para. 45](#)
- F26** Words “public road, or prospective public road” substituted (S.) for words “maintainable highway, or is prospectively a maintainable highway” by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), [Sch. 9 para. 39\(31\)\(c\)\(ii\)](#)

### Marginal Citations

- M8** [1936 c. 49\(100:1\)](#).

## 39 Definitions.

- (1) In this Act, except where the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

“apparatus” includes any structure constructed for the lodging therein of apparatus;

<sup>F27</sup>  
...

“authority or managers concerned” has the meaning assigned to it by section two of this Act;

“bridge authority or managers” <sup>F28</sup> means the authority, body or person in whom a bridge is vested;

[“carriageway” has the same meaning as in the <sup>M9</sup>Roads (Scotland) Act 1984;]

[“classified road” <sup>F29</sup> means a road classified by the Minister under the <sup>M10</sup>Ministry of Transport Act 1919;]

[“classified road” <sup>F29</sup> means a road classified under section 11(1) of the <sup>M11</sup>Roads (Scotland) Act 1984;]

“code-regulated works” has the meaning assigned to it by section one of this Act;

“controlled land” has the meaning assigned to it by the First Schedule to this Act;

[“county council” means the council of an administrative county;]

[“cycle track” <sup>F30</sup> has the same meaning as in the <sup>M12</sup>Roads (Scotland) Act 1984;]

“emergency works” means works whose execution at the time when they are executed is requisite in order to put an end to, or to prevent the arising of, circumstances then existing or imminent which are calculated to cause danger to persons or property, interruption of a supply or service afforded by undertakers or by a transport authority, or substantial loss to undertakers or to such an authority, or in order to enable undertakers to satisfy an obligation created by an enactment to afford a supply or service within a time fixed by or under the enactment; and, in relation to works comprising items whereof some



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fall within the preceding definition and others do not, includes only such of them as fall within it and such others of them as cannot reasonably be severed therefrom;

“enactment” includes a provision of an order, scheme, regulations or other instrument, made under or confirmed by an Act;

[“footpath” and “footway”<sup>F31</sup> have the same meanings as in the <sup>M13</sup>Roads (Scotland) Act 1984;]

“general legislation” means a public general enactment, including such an enactment as incorporated in, or applied by, a special enactment, if incorporated or applied without modification; [<sup>F32</sup>[<sup>F33</sup>“highway authority” and “local highway authority” have the same meanings as in [<sup>F34</sup>the <sup>M14</sup>Highways Act 1980]];]

“in”, in a context referring to works, apparatus or other property in a [<sup>F35</sup>street][<sup>F35</sup>road], controlled land or other place, includes a reference to works, apparatus or other property under, over, across, along or upon it, and, in a context referring to a sewer, drain or tunnel in a [<sup>F35</sup>street][<sup>F35</sup>road], includes a reference to one thereunder;

[<sup>F36</sup>“local roads authority” has the same meaning as in the <sup>M15</sup>Roads (Scotland) Act 1984;]

[“maintainable highway” <sup>F37</sup> has the meaning assigned to it by subsection (4) of section one of this Act, and references to a street that is prospectively a maintainable highway shall be construed as mentioned in that subsection;]

“the Minister” means [<sup>F38</sup>the Secretary of State];

[“private road” <sup>F39</sup> has the same meaning as in the <sup>M16</sup>Roads (Scotland) Act 1984;]

“public general enactment” means an enactment in an Act treated as a public general Act under the system of division of Acts adopted in the regnal year 38 George 3, other than an Act for confirming a provisional order;

[“public sewer” <sup>F40</sup> has the meaning assigned to it by the <sup>M17</sup>Public Health Act 1936, and “sewer authority” means the authority in whom a public sewer is vested;]

[“public road” <sup>F40</sup> has the meaning assigned to it by paragraph (a) of subsection (4) of section 1 of this Act; and references to a “prospective public road” shall be construed as mentioned in paragraph (b) of that subsection;]

“railway” includes a light railway other than one which is of the nature of a tramway, that is to say, laid mainly or exclusively along a [<sup>F41</sup>highway][<sup>F41</sup>road] and used mainly or exclusively for the carriage of passengers;

“reinstatement and making good” includes interim restoration as defined in the Third Schedule to this Act;

[“road” <sup>F42</sup> has (without prejudice to section 38(1) of this Act) the meaning assigned to it by section 1(3) of this Act;

“roads authority” has the meaning assigned to it by section 2(4) of this Act;

“road managers” has the meaning assigned to it by section 2(5) of this Act;]

“road purposes” means the maintenance of a road, any purpose falling within the definition of improvement [<sup>F43</sup>in section 329(1) of the <sup>M18</sup>Highways Act 1980][<sup>F44</sup>in section 151(1) of the <sup>M19</sup>Roads (Scotland) Act 1984] and the construction of a crossing for vehicles across a footway [<sup>F45</sup>or grass verge] or the strengthening or adaptation of a footway for use as a crossing for vehicles;

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“service pipe” and “service line” have the meanings assigned to them respectively by the last preceding section;

[“sewer authority”<sup>F46</sup> means [<sup>F47</sup>the local authority]] in whom the sewer is vested;

“special enactment” means any enactment other than a public general enactment;

“special legislation” means a special enactment, and a public general enactment as incorporated in, or applied by, a special enactment, if incorporated or applied with any modification;

“statutory power” means a power conferred by any enactment, other than an enactment in this Act, whether being a public general enactment or a special enactment, and whether passed, made or coming into operation before or after the passing of this Act, so however that works executed by a statutory corporation shall not be treated as executed in exercise of a statutory power by reason only of the corporation’s having statutory authorisation in that behalf for the purposes of the law relating to the capacity of such corporations, and references in this Act to a statutory power to execute works shall be construed accordingly;

[“street”<sup>F48</sup> has (without prejudice to the provisions of subsection (1) of the last preceding section) the meaning assigned to it by section one of this Act;]

[“street authority” and “street managers”<sup>F48</sup> have the meanings assigned to them respectively by section two of this Act;]

<sup>F49</sup>

“tramway” includes a light railway being one which is of the nature of a tramway, that is to say, laid mainly or exclusively along a [<sup>F50</sup>highway][<sup>F50</sup>road] and used mainly or exclusively for the carriage of passengers, and includes a trolley vehicle system;

“transport undertaking” means a railway, dock, harbour, pier, canal or inland navigation undertaking, being an undertaking the activities of which, or some of the activities of which, are carried on under authorisation conferred by an enactment, and “transport authority” means the authority, body or person having the control or management of a transport undertaking, in the capacity in which they have the control or management thereof;

[“trunk road”<sup>F51</sup> has the same meaning as in the <sup>M20</sup>Roads (Scotland) Act 1984;]

“undertakers” means the authority, body or person by whom a statutory power to execute undertakers’ works is exercisable, in the capacity in which that power is vested in them;

“undertakers’ works” has the meaning assigned to it by section one of this Act.

- (2) Any reference in this Act to any other enactment shall, except so far as the context otherwise requires, be construed as a reference to that enactment as amended by or under any other enactment, including an enactment in this Act.

#### Textual Amendments

- F27** Definition “appropriate local authority” repealed (E.W.) by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), [Sch. 30](#) and (S.) by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156, [Schs. 10, 11](#)
- F28** Definition of “carriageway” inserted (S.) by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), [Sch. 9 para. 39\(32\)\(a\)](#)

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Public Utilities Street Works Act 1950 (repealed 1.1.1993), Part IV. (See end of Document for details)*

- F29** Definition commencing “classified road” means a road classified under section 11(1)” substituted (S.) for definition commencing “classified road” means a road classified by the Minister” by Roads (Scotland) Act 1984 (c. 54, SIF 108), **Sch. 9 para. 39(32)(b)**
- F30** Definition of “cycle track” substituted (S.) for definition of “county council” by Roads (Scotland) Act 1984 (c. 54, SIF 108), **Sch. 9 para. 39(32)(c)**
- F31** Definitions “footpath” and “footway” inserted (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), **Sch. 9 para. 39(32)(d)**
- F32** Definition “highway authority” repealed (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), **Sch. 11**
- F33** Definition substituted (E.W.) by Local Government Act 1972 (c. 70, SIF 81:1), **Sch. 21 para. 98(4)**
- F34** Words substituted (E.W.) by Highways Act 1980 (c. 66, SIF 59), **Sch. 24 para. 5(a)**
- F35** Word “road” substituted (S.) for word “street” (in both places where occurring) by Roads (Scotland) Act 1984 (c. 54, SIF 108), **Sch. 9 para. 39(32)(e)**
- F36** Definition of “local roads authority” inserted (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), **Sch. 9 para. 39(32)(f)**
- F37** Definition “maintainable highway” repealed (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), **Sch. 11**
- F38** Words substituted by virtue of S.I. 1953/1204, **art. 3**, 1955/1955 (1955 I, p. 1205), arts. 2, 6(1), Sch. 1 Pt. I, 1965/319, arts. 3(1), 10(1), Sch. 2 Pt. I, 1970/1681, arts. 2(1), 6(3)
- F39** Definition “private road” inserted (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), **Sch. 9 para. 39(32)(g)**
- F40** Definition “public road” substituted (S.) for definitions of “public sewer” and “sewer authority” by Roads (Scotland) Act 1984 (c. 54, SIF 108), **Sch. 9 para. 39(32)(h)**
- F41** Word “road” substituted (S.) for word “highway” by Roads (Scotland) Act 1984 (c. 54, SIF 108), **Sch. 9 para. 39(32)(i)**
- F42** Definitions “road”, “roads authority” and “road authority” inserted (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), **Sch. 9 para. 39(32)(j)**
- F43** Words substituted (E.W.) by Highways Act 1959 (c. 25), **Sch. 22** and Highways Act 1980 (c. 66, SIF 59), s. 340(1)(b)(2)(e), **Sch. 24 para. 5(b)**
- F44** Words substituted (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), **Sch. 9 para. 39(32)(k)**
- F45** Words inserted (E.W.) by Highways Act 1959 (c. 25), **Sch. 22** saved by Highways Act 1980 (c. 66, SIF 59), s. 340(1)(b)
- F46** Definition “sewer authority” inserted (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), **Sch. 9 para. 39(32)(l)**
- F47** In the definition of “sewer authority” for “the authority” there is expressed to be substituted “the person” by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 25 para. 14, Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**
- F48** Definitions “street”, “street authority” and “street managers” repealed (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), **Sch. 11**
- F49** Definition “telegraphic line” repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, **Sch. 7 Pt. I**
- F50** Word “road” substituted (S.) for word “highway” by Roads (Scotland) Act 1984 (c. 54, SIF 108), **Sch. 9 para. 39(32)(m)**
- F51** Definition “trunk road” inserted (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), **Sch. 9 para. 39(32)(n)**

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

- C4** Definition of “classified road” amended by Highways Act 1980 (c. 66, SIF 59), **s. 12**
- C5** Definition of “emergency works” extended by Water (Scotland) Act 1980 (c. 45, SIF 130), **s. 78(2)**
- C6** Definition of emergency works extended (E.W.) by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 132(8), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**

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*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Public Utilities Street Works Act 1950 (repealed 1.1.1993), Part IV. (See end of Document for details)*

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**Marginal Citations**

**M9** 1984 c. 54(108).

**M10** 1919 c. 50(126).

**M11** 1984 c. 54(108).

**M12** 1984 c. 54(108).

**M13** 1984 c. 54(108).

**M14** 1980 c. 66(59).

**M15** 1984 c. 54(108).

**M16** 1980 c. 66(59).

**M17** 1936 c. 49(100:1).

**M18** 1980 c. 66(59).

**M19** 1984 c. 54(108).

**M20** 1984 c. 54(108).

*Short title and extent***40 Short title and extent.**

- (1) This Act may be cited as the Public Utilities Street Works Act 1950.
- (2) This Act shall not apply to Northern Ireland.

**Status:**

Point in time view as at 01/02/1991.

**Changes to legislation:**

There are currently no known outstanding effects for the Public Utilities Street Works Act 1950 (repealed 1.1.1993), Part IV.