

SCHEDULE 1

AMENDMENTS

Highways Act 1980

49.—(1) The Highways Act 1980(1) is amended as follows.

(2) In section 144(6) (power to erect flagpoles etc. on highways), in the definition of “statutory undertakers”, for the words “the Post Office” are substituted the words “any universal service provider in connection with the provision of a universal postal service”.

(3) In section 169(4) (control of scaffolding on highways) for the words “the Post Office” are substituted the words “any universal service provider in connection with the provision of a universal postal service”.

(4) In section 170(3) (control of mixing of mortar etc. on highways) for the words “the Post Office” are substituted the words “any universal service provider in connection with the provision of a universal postal service”.

(5) In section 174(5) (precautions to be taken by persons executing works in streets) for the words “the Post Office” are substituted the words “any universal service provider concerned in connection with the provision of a universal postal service”.

(6) In section 178(5) (restriction on placing rails, beams etc. over highways) for the words “the Post Office” are substituted the words “a universal service provider in connection with the provision of a universal postal service”.

(7) In section 185 (power to install refuse or storage bins in streets)—

(a) in subsection (3)(b), after the words “sewerage undertakers,” are inserted the words “or to a universal service provider in connection with the provision of a universal postal service,”; and

(b) after subsection (3) is inserted—

“(3A) For the purposes of subsection (3) above, the undertaking of a universal service provider shall be taken to be his undertaking so far as it relates to the provision of a universal postal service.”.

(8) In section 254 (compulsory acquisition for certain purposes of rights in land belonging to local authorities etc.)—

(a) in subsection (6) for the words “the Post Office” are substituted the words “a universal service provider in connection with the provision of a universal postal service”; and

(b) after subsection (6) is inserted—

“(6A) In its application to a universal service provider, subsection (1) of this section shall be construed as if for the words “or which has been acquired, for the purposes of their undertaking, by statutory undertakers” there were substituted the words “or of a universal

(1) 1980 c. 66. Section 144(6) was amended by section 109 of, paragraph 75 of Schedule 4 and Schedule 7 to, the Telecommunications Act 1984 (c. 12.), section 190 of, and Part I of Schedule 27 to, the Water Act 1989 (c. 15.), section 168(1) and paragraph 3 of Part I of Schedule 8 of the New Roads and Street Works Act 1991 (c. 22.) and section 13(1) of, and paragraph 3(5) of Schedule 4 to, the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22.). Section 169(4) was amended by section 190 of, and Part I of Schedule 27 to, the Water Act 1989 (c. 15.), section 109, paragraph 76 of Schedule 4 and Part I of Schedule 7 to, the Telecommunications Act 1984 (c. 12.), section 168(1) and paragraph 4 of Part I of Schedule 8 to the New Roads and Street Works Act 1991 (c. 22.) and section 13(1) of, and paragraph 3(7) of Schedule 4 to, the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22.). Section 170(3) was amended by section 109 of, paragraph 76 of Schedule 4 and Part I of Schedule 7 to, the Telecommunications Act 1984 (c. 12.), section 190 of, and Part I of Schedule 27 to, the Water Act 1989 (c. 15.), and section 13(1) of, and paragraph 3(8) of Schedule 4 to, the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22.). There are other amendments not relevant to this Order. Section 185(3) was amended by section 190 of, and paragraph 62 of Schedule 25 to, the Water Act 1989 (c. 15.). Section 254(6) was amended by section 34 of, and paragraph 31 of Schedule 4 to, the Acquisition of Land Act 1981 (c. 67.).

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service provider and which, in the case of a universal service provider, is being held or used for any purpose in connection with the provision of a universal postal service”.

(9) In section 290 (supplementary provisions as to powers of entry for the purpose of survey)—

(a) in subsection (9), for the words “The Post Office” are substituted the words “A universal service provider in connection with the provision of a universal postal service;” and

(b) after subsection (9) is inserted—

“(9A) For the purposes of subsection (9) above, the undertaking of a universal service provider shall be taken to be his undertaking so far as it relates to the provision of a universal postal service.”.

(10) In section 329(1) (further provision as to interpretation), at the appropriate place, is inserted—

““universal service provider” has the same meaning as in the Postal Services Act 2000; and references to the provision of a universal postal service shall be construed in accordance with that Act;”.

(11) In part I of Schedule 6 (procedure for making and confirming certain orders relating to footpaths and bridleways), in paragraph 3—

(a) in sub-paragraph (3) for the words “the Post Office” are substituted the words “a universal service provider in connection with the provision of a universal postal service;” and

(b) after sub-paragraph (3) is inserted—

“(3A) For the purposes of sub-paragraph (3) above the undertaking of a universal service provider shall be taken to be his undertaking so far as it relates to the provision of a universal postal service.”.