



Local Government (Miscellaneous Provisions) Act 1953

1953 CHAPTER 26

Powers of local authorities in respect of omnibus shelters, etc.

4 Provision of omnibus shelters, etc.

- (1) Subject to the following provisions of this Act, a local authority may provide and maintain in any highway within their district which is comprised in the route of public service vehicles, or on any land abutting on such a highway, shelters or other accommodation at stopping places on the route for the use of persons intending to travel on such vehicles.
- (2) Any local authority, or any persons authorised to run public service vehicles, may enter into and carry into effect any agreement with a local authority with respect to the provision and maintenance of shelters or other accommodation under this section by the last-mentioned authority; and any such agreement may in particular provide for the payment by the first-mentioned authority or persons of the whole or any part of the cost of the provision and maintenance of the shelter or accommodation.
- (3) A local authority shall consult the Commissioner of Police of the Metropolis with regard to the position of any shelter or other accommodation which they propose to provide under this section in a highway in the metropolitan police district.
- (4) In this and the next three following sections, " local authority " includes the council of a rural parish ; and " public service vehicle " has the meaning assigned to it by section one hundred and twenty-one of the Road Traffic Act, 1930, except that it includes a tramcar or trolley vehicle as so defined.

5 Consents to exercise of powers under s. 4

- (1) A local authority shall not have power by virtue of the last foregoing section to provide a shelter or other accommodation 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 highway for which there is a highway authority other than the local authority, or on land abutting on any such highway.	The highway authority.
In any highway 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 local authority or on the approaches to any such bridge.	The authority or other person in whom the bridge is vested.
On any bridge carrying a highway 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 highway.	The railway, canal or inland navigation undertakers concerned.
In a position obstructing or interfering with any existing access to any land or premises abutting on a highway.	The owner (as denned by the Public Health Act, 1936) of the land or premises.

- (2) Any consent required by this section in respect of a shelter or other accommodation shall not unreasonably be withheld but may be given subject to any reasonable conditions, including a condition that the local authority shall remove the shelter or other accommodation 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.
- (3) Any dispute between a local authority and a person whose consent is required under this section whether that consent is unreasonably withheld or is given subject to reasonable conditions, or whether the removal of any shelter or other accommodation in accordance with any condition of the consent is reasonably required shall—
- (a) in the case of a dispute between the local 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;
 - (b) in any other case, be referred to and determined by the Minister of Transport.

6 Supplementary provisions as to omnibus shelters, etc.

- (1) Where a shelter or other accommodation is provided by a local authority under section four of this Act in a position obstructing access to any telegraphic line as defined by the Telegraph Act, 1878, and the Postmaster General notifies the local authority that he requires to obtain access to that line, the authority shall, unless they temporarily remove the shelter or accommodation for the purpose of affording such access, or so much thereof as is necessary for that purpose, be liable to repay to the Postmaster

General so much of the expenses reasonably incurred by him in obtaining such access as is attributable to the situation of the shelter or accommodation.

- (2) The provisions of the foregoing subsection shall apply in relation to any sewers, pipe-subways, pipes, wires or other apparatus belonging to or maintained by any local authority or any gas, electricity, water, hydraulic power, tramcar or trolley vehicle undertakers, as they apply in relation to any such telegraphic line as is therein mentioned, and as if for any reference therein to the Postmaster General there were substituted a reference to the local authority or the undertakers, as the case maybe.
- (3) Any dispute as to the amount (if any) payable by a local authority under the foregoing provisions of this section shall be determined in accordance with subsection (2) of section two hundred and seventy-eight of the Public Health Act, 1936.

7 Maintenance of existing bus shelters and queue barriers

- (1) Where, at any time before the commencement of this Act, a local authority, acting in the exercise of powers conferred under Regulation 54B of the Defence (General) Regulations, 1939, or without statutory powers, have provided any such accommodation as follows, that is to say—
 - (a) any such shelter or accommodation as is described in section four of this Act;
 - (b) any barriers or posts for the regulation of persons waiting to enter public service vehicles,the local authority shall have power by virtue of this section to maintain that accommodation.
- (2) The provisions of sections five and six of this Act shall apply to the maintenance of any accommodation under this section, and to accommodation maintained thereunder, as they apply to the provision of accommodation under section four of this Act, and to accommodation provided under that section; but where any consent required under the said section five has been given by any authority or person before the commencement of this Act in respect of the provision of any accommodation to which this section applies, nothing in this subsection shall be construed as requiring any further consent on the part of that authority or person in respect of the maintenance of that accommodation.