

SCHEDULES

THIRD SCHEDULE

Sections 43, 44 and 51.

CONSENTS REQUIRED FOR EXECUTION OF CERTAIN WORKS IN STREETS

Modifications etc. (not altering text)

- C1** Functions of Minister of Transport under Sch. 3 now exercisable (W.) by Secretary of State: [S.I. 1965/319, art. 3\(1\)](#), [Sch. 2 Pt. I](#)

- 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 MI Public Health Act 1936) and the occupier of the land or premises.

Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1961, THIRD SCHEDULE. (See end of Document for details)

Marginal Citations

M1 1936 c. 49.

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.

[^{F14} Where the consent of the Secretary of State or the Minister of Transport is required under this Schedule, any dispute between the Minister whose consent is required and the authority as to whether the Minister's 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 be referred to and determined by an arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers]

Textual Amendments

F1 Sch. 3 para. 4 substituted by Local Government, Planning and Land Act 1980 (c. 65, SIF 81:1, 2), s. 133(2), **Sch. 7 para. 6(5)**

Changes to legislation:

There are currently no known outstanding effects for the Public Health Act 1961, THIRD SCHEDULE.