

Status: Point in time view as at 01/12/2008.

Changes to legislation: Public Health Act 1961 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

FIRST SCHEDULE

. . . F1

Textual Amendments

F1 Sch. 1 repealed (with saving) by Building Act 1984 (c. 55, SIF 15), ss. 132, 133(2), Sch. 5 para. 2, **Sch. 7**

SECOND SCHEDULE

. . . F2

Textual Amendments

F2 Sch. 2 repealed by Water Act 1989 (c. 15, SIF 130), ss. 69, 190(3), Sch. 8 para. 4(1), **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(2), 17, 40(4), 41(1), 57(6), 58)

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.

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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 M1 Public Health Act 1936) and the occupier of the land or premises.

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.

[^{F3}4 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**F3** 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)**

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FOURTH SCHEDULE

Section 45.

ATTACHMENT OF STREET LIGHTING EQUIPMENT TO CERTAIN BUILDINGS

Modifications etc. (not altering text)

C2 Functions of Board of Trade now exercisable concurrently by Secretary of State: [S.I. 1970/1537, art. 2\(1\)](#)

As regards buildings of the descriptions in the first column of the following Table the appropriate authority for the purposes of section forty-five of this Act shall be the person specified in the second column of that Table (and not a magistrates' court).

TABLE

A building which is for the time being included in a list published under section 12 of the M2	[^{F4} The Secretary of State]
Ancient Monuments Consolidation and Amendment Act 1913.	
[^{F5} A building which is included in a list compiled or approved under section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990.]	[^{F5} The Secretary of State.]
A building owned by railway, canal, dock, harbour or inland navigation undertakers.	The Minister of Transport.
A building owned by electricity or gas undertakers F6	[^{F7} The Secretary of State.]
.....	
A building owned by statutory water undertakers.	[^{F8} The Secretary of State.]
A building forming part of an aerodrome licensed under the Civil Aviation Act 1949, or any enactment repealed by that Act.	[^{F9} The Board of Trade.]
A building owned by a county council, local authority or parish council or parish meeting who are not the street lighting authority concerned.	[^{F8} The Secretary of State.]
A building owned by a development corporation established under the M3	[^{F8} The Secretary of State.]
New Towns Act 1946, or the [^{F10} Homes and Communities Agency so far as exercising functions in relation to anything transferred (or to be transferred) to it as mentioned in section 52(1)(a) to (d) of the Housing and Regeneration Act 2008].	

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[F12
F11	...
F12	
...	

Textual Amendments

- F4** Words substituted by virtue of [S.I. 1962/1549](#), (W.)1969/388, arts. 4(1), 5(3), (E.) 1970/1681, arts. 2(1), 6(3)
- F5** Entry substituted by virtue of [Planning \(Consequential Provisions\) Act 1990](#) (c. 11, SIF 123:1), s. 3, [Sch. 2 para. 10](#)
- F6** Words in Sch. 4 repealed (27.3.2004) by [Coal industry Act 1994](#) (c. 21), s. 67, Sch. 9 para. 7, Sch. 11 Pt. IV; [S.I. 2004/144](#), [art. 3](#)
- F7** Words substituted by virtue of [S.I. 1969/1498](#), [arts. 2\(1\)](#), 5(6) and 1970/1537, arts. 2(2), 7(4)
- F8** Words substituted by virtue of (W.) [S.I. 1965/319](#), arts. 2(1), 10(1), [Sch. 1 Pt. 1](#), (E.) 1970/1681, arts. 2(1), 6(3)
- F9** Words substituted by virtue of [S.I. 1966/741](#), [arts. 2](#), 3(1)
- F10** Words in Sch. 4 substituted (1.12.2008) by [Housing and Regeneration Act 2008](#) (c. 17), s. 325(1), [Sch. 8 para. 3](#); [S.I. 2008/3068](#), art. 2(1)(w)(3) (with arts. 6arts. 6-13Schs.)
- F11** Item inserted by [Post Office Act 1969](#) (c. 48), [Sch. 4 para. 70](#)
- F12** Words in Sch. 4 repealed (12.11.2003) by [Postal Services Act 2000 \(Consequential Modifications\) Order 2003](#) (S.I. 2003/2908), art. 1(2), [Sch. 2](#) (with art. 4(1))

Modifications etc. (not altering text)

- C3** Entry in table in Sch. 4 amended (1.3.1996) by [1995 c. 45](#), s. 16(1), [Sch. 4 para. 2\(3\)](#); [S.I. 1996/218](#), [art. 2](#)

Marginal Citations

- M2** 1913 c. 32.
M3 1946 c. 68.

F13F13 FIFTH SCHEDULE

Textual Amendments

- F13** [Sch. 5](#) repealed by [Statute Law \(Repeals\) Act 1974](#) (c. 22), [Sch. Pt. XI](#)

F13

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