

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Contracting Out (Highway Functions) Order 1995. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

### SCHEDULE 3

#### FUNCTIONS CONFERRED BY MISCELLANEOUS ENACTMENTS

5. Functions conferred on the Secretary of State as highway authority for a highway by or under the following provisions of the Public Health Act 1961<sup>(1)</sup>:

- (a) section 45 (attachment of street lamps); and
- (b) section 81<sup>(2)</sup> (summary recovery of damages for negligence).

#### Commencement Information

**II** Sch. 3 para. 5 in force at 25.7.1995, see [art. 1\(1\)](#)

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(1) 1961 c. 64; sections 45 and 81 of the 1961 Act have to be read with section 97(4) of the Highways Act 1980 (c. 66).

(2) Section 81 was partially repealed by section 102 of, and Schedule 17 to, the Local Government Act 1985 (c. 51).

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**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

- Order revoked in part by [S.I. 2009/721 art. 4\(1\)\(2\)](#)