

## SCHEDULE 3

Article 2

### FUNCTIONS CONFERRED BY MISCELLANEOUS ENACTMENTS

1. Functions conferred on the Secretary of State as highway authority for a highway by or under section 153(1) of the Public Health Act 1875(2) (power to require gas and water pipes to be moved).

#### Commencement Information

**I1** Sch. 3 para. 1 in force at 25.7.1995, see [art. 1\(1\)](#)

2. Functions conferred on the Secretary of State as highway authority for a highway by or under section 14(3) of the Public Health Act 1925(4) (consent of highway authority required for the provision of public drinking fountains, seats, etc. in streets).

#### Commencement Information

**I2** Sch. 3 para. 2 in force at 25.7.1995, see [art. 1\(1\)](#)

3. Functions conferred on the Secretary of State by or under section 5(1) and (2) of the Local Government (Miscellaneous Provisions) Act 1953(5) (prohibition on the provision of omnibus shelters etc. except with the consent of the highway authority and other persons).

#### Commencement Information

**I3** Sch. 3 para. 3 in force at 25.7.1995, see [art. 1\(1\)](#)

4. Functions conferred on the Secretary of State by or under section 5(1) and (2) of the Parish Councils Act 1957(6) (prohibition on the provision of seats, shelves, lamps etc. in roads except with the consent of specified persons).

#### Commencement Information

**I4** Sch. 3 para. 4 in force at 25.7.1995, see [art. 1\(1\)](#)

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(7):

- (a) section 45 (attachment of street lamps); and
- (b) section 81(8) (summary recovery of damages for negligence).

(1) Section 153 is to be read with section 180 of, and paragraph 29 of Schedule 14 to, the Local Government Act 1972 (c. 70).

(2) 1875 c. 55.

(3) Section 14 is to be read with section 180 of, and paragraph 28 of Schedule 14 to, the Local Government Act 1972 (c. 70).

(4) 1925 c. 71.

(5) 1953 c. 26.

(6) 1957 c. 42; section 5(1) was amended by section 267 of, and Schedule 18 to, the Road Traffic Act 1960 (c. 16). The Minister of Transport and Civil Aviation referred to in section 5(1) is now the Secretary of State for Transport (S.I.1980/238).

(7) 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).

(8) Section 81 was partially repealed by section 102 of, and Schedule 17 to, the Local Government Act 1985 (c. 51).

**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

**Commencement Information**

**I5** Sch. 3 para. 5 in force at 25.7.1995, see [art. 1\(1\)](#)

**6.** Functions conferred on the Secretary of State by or under section 5(6) of, and Schedule 1 to, the Litter Act 1983<sup>(9)</sup> (consent of the Secretary of State required for works in relation to litter bins).

**Commencement Information**

**I6** Sch. 3 para. 6 in force at 25.7.1995, see [art. 1\(1\)](#)

**7.** Functions conferred on the Secretary of State as highway authority for a highway by or under sections 72(1) of the Road Traffic Regulation Act 1984<sup>(10)</sup> (provision of traffic and signs on or near a road with the permission of the highway authority).

**Commencement Information**

**I7** Sch. 3 para. 7 in force at 25.7.1995, see [art. 1\(1\)](#)

**8.** Functions conferred on the Secretary of State as highway authority of a highway by or under sections 4 and 5(1) of the Cycle Tracks Act 1984<sup>(11)</sup> (provision of barriers in cycle tracks, etc. and highway authority's duty to pay compensation).

**Commencement Information**

**I8** Sch. 3 para. 8 in force at 25.7.1995, see [art. 1\(1\)](#)

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<sup>(9)</sup> 1983 c. 35.  
<sup>(10)</sup> 1984 c. 27.  
<sup>(11)</sup> 1984 c. 38.

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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\(1\)\(2\)](#)