

SCHEDULES

SCHEDULE 4

ADAPTATIONS OF ENACTMENTS AND ORDERS IN COUNCIL CONSEQUENTIAL ON THE ASSUMPTION BY THE NEW AUTHORITY FOR THE CONDUCT OF POSTAL AND TELEGRAPHIC BUSINESS OF FUNCTIONS EXERCISED AND PERFORMED BEFORE THE APPOINTED DAY BY THE POSTMASTER GENERAL

PART III

ADAPTATIONS OF LOCAL ENACTMENTS

- 95 (1) Whereas the enactments specified in the two Lists below penalize the use of public telephone call boxes for the purpose of making false calls for police assistance, giving false alarms of fire, and the like, but are so framed that, unless amended, they will become of no effect on the appointed day:

Now, therefore, as respects any point of time after the beginning of the appointed day.—

- (a) each of the enactments specified in List 1 shall have effect as if, for the reference therein to a call box of the Post Office telephone service, there were substituted a reference to a call box of the authority's telephone service; and
- (b) each of the enactments specified in List 2 shall have effect as if, for the reference therein to the Postmaster General, there were substituted a reference to the authority.

List 1

Section 127(2) of the Tynemouth Corporation Act 1934.
Section 221(2) of the Sunderland Corporation Act 1935.
Section 106(2) of the Wolverhampton Corporation Act 1936.
Section 83(2) of the Rotherham Corporation Act 1937.
Section 122(2) of the Wakefield Corporation Act 1938.
Section 176(2) of the Redcar Corporation Act 1938.
Section 167(2) of the Swinton and Pendlebury Corporation Act 1938.
Section 211(2) of the Clacton Urban District Council Act 1938.
Section 89(2) of the Tiverton Corporation Act 1939.
Section 137(2) of the Walsall Corporation Act 1939.
Section 110(2) of the Macclesfield Corporation Act 1939.
Section 84(2) of the Coventry Corporation Act 1939.
Section 101(2) of the Christchurch Corporation Act 1940.
Section 154(2) of the Preston Corporation Act 1947.
Section 71(2) of the Brighton Corporation Act 1948.
Section 173(2) of the Ipswich Corporation Act 1948.
Section 114(2) of the Huddersfield Corporation Act 1949.

Status: This is the original version (as it was originally enacted).

Section 86(2) of the Bradford Corporation Act 1949.

Section 89(2) of the Barnsley Corporation Act 1949.

List 2

Section 178(2) of the Worcester Corporation Act 1951.

Section 89(2) of the Nottinghamshire County Council Act 1951.

Section 85(2) of the Berkshire County Council Act 1953.

Section 117(2) of the Birkenhead Corporation Act 1954.

Section 133(2) of the Monmouthshire County Council Act 1956.

Section 97(2) of the Gloucestershire County Council Act 1956.

Section 96(2) of the Leicester Corporation Act 1956.

Section 26(2) of the Huddersfield Corporation Act 1956.

Section 116(2) of the Wallasey Corporation Act 1958.

Section 60(2) of the Kent County Council Act 1958.

Section 73(2) of the Bootle Corporation Act 1959.

Section 70(2) of the Southampton Corporation Act 1960.

Section 41(2) of the Hertfordshire County Council Act 1960.

Section 60(2) of the Oldham Corporation Act 1960.

Section 30(3) of the Devon County Council Act 1961.

Section 10(2) of the Grimsby Corporation Act 1962.

Section 44(2) of the Durham County Council Act 1963.

Section 28(2) of the Newcastle upon Tyne Corporation Act 1964.

Section 29(2) of the Exeter Corporation Act 1966.

- (2) Any enactment contained in a local Act which is not specified in List 1 above but is similar to the enactments so specified shall, as respects any point of time after the beginning of the appointed day, have effect subject to the like amendment as is made by sub-paragraph (1)(a) above ; and any enactment contained in a local Act which is not specified in List 2 above but is similar to the enactments so specified shall, as respects any such point of time as aforesaid, have effect subject to the like amendment as is made by sub-paragraph (1)(b) above.
- 96 (1) Nothing in—
- (a) the London Building Acts 1930 to 1939 or byelaws there under ; or
 - (b) a special enactment passed or made before the appointed day (including such an enactment relating to Scotland or Northern Ireland) for purposes similar to those of an enactment contained in Part V or VII of the Highways Act 1959 (except sections 136 to 138);
- shall affect any powers of the authority under the enactments relating to telegraphs or apply to any telegraphic lines placed or maintained by the Postmaster General or the authority by virtue of those enactments.
- (2) In this paragraph, "special enactment" has the same meaning as in the Highways Act 1959.
- 97 (1) As from the appointed day, subsections (2) and (3) of section 59 of the Metropolitan Water Board (Various Powers) Act 1907 (which empower the Postmaster General to place telegraphic lines along, over or across the lands, works and undertaking of the Metropolitan Water Board) shall be construed so as to confer and impose on the authority the like rights and liabilities as are, immediately before that day, conferred and imposed on the Postmaster General and so as to render it subject to the like

restrictions as those to which he is subject by virtue thereof immediately before that day ; and anything done by or to the Postmaster General under those subsections before that day shall, as from that day, be treated as having been done by or to the authority.

- (2) As from the appointed day, the first reference to the Postmaster General in subsection (4) of the said section 59 (saving for his rights in relation to the Lee Navigation) and the reference to him in the proviso to section 11 of the Metropolitan Water Board Act 1915 (which saves his rights under, amongst other enactments, the said Act of 1907) shall be construed as referring to the authority.
- 98 As from the appointed day, the references in section 120(1) and (2) of the Dover Harbour Consolidation Act 1954 (further protection of Postmaster General) to the Postmaster General shall be construed as referring to the authority.
- 99 (1) Subsection (3) of section 77 of the Kingston upon Hull Corporation Act 1967 (which provides that byelaws made under that section with reference to the telephone system maintained by the Corporation of Kingston upon Hull shall continue in force only so long as there is in force a licence granted by the Postmaster General to the Corporation permitting the Corporation to provide telephonic services) shall, as from the appointed day, have effect as if, for the reference to a licence so granted and permitting, there were substituted a reference to a licence so permitting granted, or having effect as if granted, under section 27 of this Act by the authority ; and the references in subsection (4) of the said section 77 to any such licence as is mentioned in subsection (3) shall, as from that day, be construed accordingly.
- (2) The power conferred by section 93 of the said Act of 1967 on the Postmaster General to confirm byelaws under the said section 77 shall, on the appointed day, be transferred to the Minister.
- 100 A benefit conferred on the Postmaster General by a provision of a local Act passed in the same session as this Act or a previous session or of an order confirmed by an Act so passed consisting in securing that a power conferred by the Act or order to acquire land compulsorily, to secure compulsorily the creation of an easement or other right over land or to execute works on, under or over land shall not, except with his consent or agreement, be exercisable in relation to land specified or described in that provision shall, as from the appointed day, enure for the benefit of the authority.
- 101 (1) As from the appointed day, a provision to which this paragraph applies which refers to the rights or powers of the Postmaster General under a provision of an enactment relating to telegraphs or to the exclusive privilege conferred on him by section 3 of the Post Office Act 1953 shall have effect with the substitution, for any reference to the Postmaster General, of a reference to the authority.
- (2) A provision to which this paragraph applies that operates to afford protection to, or confer a benefit on, the Postmaster General with reference to, or to accommodation for, telegraphic lines of his or used by him or to communication by means of telegraphic lines of his or used by him, shall, as from the appointed day, be construed so as, in all respects, to afford the like protection to, or confer the like benefit on, the authority with reference to, or to accommodation for, telegraphic lines of its or used by it or, as the case may be, to communication by means of telegraphic lines of its or used by it and subject to the like incidents (if any) as those to which the protection afforded to, or the benefit conferred on, the Postmaster General is subject (references to the authority being, accordingly, substituted where necessary for references to the Postmaster General); and, so far as may be necessary to preserve continuity in the

giving of effect to that provision, anything done before the appointed day by or to the Postmaster General shall be treated, for the purposes of that provision, as having been done by or to the authority.

- (3) The last foregoing sub-paragraph shall apply to a provision to which this paragraph applies that operates to afford protection to the Postmaster General with reference to either of the Post Office underground railways as it applies to any such provision as is therein mentioned ; and any reference in a provision to which this paragraph applies to the rights or interests of the Postmaster General in, or in relation to, either of those railways shall be construed as referring to the rights or interests of the authority in, or, as the case may be, in relation to, it.
 - (4) A provision to which this paragraph applies that operates to permit vehicles in the service of, or employed by, the Postmaster General to wait on a highway in circumstances in which their waiting there would, apart from that provision, be unlawful, shall, as from the appointed day have effect with the substitution, for any reference to the Postmaster General, of a reference to the authority.
 - (5) The provisions to which this paragraph applies are those of a local Act passed in the same session as this Act or in a previous session, those of an order confirmed by an Act so passed and those of a scheme or order made before the passing of this Act under any Act (whether public general or local).
 - (6) In this paragraph, " telegraphic line " means anything falling within the definition of that expression in the Telegraph Act 1878.
- 102 Nothing in a local Act passed in the same Session as this Act shall authorise the doing of anything constituting an infringement of the privilege conferred by section 24(1) of this Act.