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SCHEDULES

SCHEDULE 7

PART I

HIGHWAYS

Relaxation of Ministerial controls over the provision of ferries

- 1 (1) So much of section 53 of the ^{M1}National Parks and Access to the Countryside Act 1949 (ferries for purposes of long-distance routes)—
- (a) as makes the exercise of a highway authority's powers subject to the approval of any Minister; or
 - (b) as confers upon any Minister any power to give a local highway authority directions,
- shall cease to have effect.

(2)^{F1}

Textual Amendments

F1 Sch. 7 Pt. I paras. 1(2), 2(1)(3)(4), 3(1)(3), 5 repealed by Highways Act 1980 (c. 66, SIF 59), **Sch. 25**

Marginal Citations

M1 1949 c. 97 (46:1).

Relaxation of Ministerial controls in respect of footpaths and bridleways

- 2 (1)
- ^{F2}(2) In section 30 of that Act (which relates to the making up of new footpaths and bridleways)—
- (a) subsections (2) and (3) (which relate to the settlement by the Secretary of State of disputes as to works for that purpose) shall cease to have effect; and
 - (b) in subsection (4) (which relates to the carrying out of such works and the recovery of expenses incurred in carrying them out), for the words from the beginning to “thereof”, in the first place where it occurs, there shall be substituted the words “ It shall be the duty of the highway authority to carry out any works specified in a certificate under subsection (1) of this section ”.
- (3)
- ^{F2}(5) In section 126 of that Act (authorisation of erection of stiles etc. in footpath or bridleway) subsection (2) which gives the Secretary of State power to determine certain disputes about such authorisation) shall cease to have effect.

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- (6) In section 29(4) of the ^{M2}Countryside Act 1968 (by virtue of which a highway authority are required to consult the Minister of Agriculture, Fisheries and Food before refusing to make an order under that section relating to the making of the surface of a footpath or bridleway after it has been ploughed up) the words “and the highway authority shall before refusing to make an order under subsection (2) of this section consult the Minister of Agriculture, Fisheries and Food” shall cease to have effect.

Textual Amendments

F2 Sch. 7 Pt. I paras. 1(2), 2(1)(3)(4), 3(1)(3), 5 repealed by Highways Act 1980 (c. 66, SIF 59), **Sch. 25**

Modifications etc. (not altering text)

C1 The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M2 1968 c. 41.

Abolition of Ministerial powers in respect of certain expenses

3 (1)

- ^{F3}(2) The proviso to section 211(3) of that Act (by virtue of which an order may fix the maximum amount to be charged under a charging order in respect of expenditure on street works) shall cease to have effect.

(3)^{F3}

Textual Amendments

F3 Sch. 7 Pt. I paras. 1(2), 2(1)(3)(4), 3(1)(3), 5 repealed by Highways Act 1980 (c. 66, SIF 59), **Sch. 25**

Modifications etc. (not altering text)

C2 The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Abolition of Ministerial powers in relation to toll highways

4 In section 233 of the Highways Act 1959 (transfer of toll highways to highway authorities)—

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- (a) in subsection (2) (by virtue of which a right to charge highway tolls which is transferred to a county council continues to be exercisable for such number of years only as may be allowed, where the county is in England, by the Minister of Transport, and where it is in Wales, by the Secretary of State) the words from “but” to the end shall cease to have effect; and
- (b) in subsection (5) (by virtue of which agreements in relation to toll highways may only be made between two or more county councils with the approval, where their counties are in England, of the Minister of Transport, and where they are in Wales, of the Secretary of State) the words “subject to the approval of the Minister” shall cease to have effect.

Modifications etc. (not altering text)

- C3** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

F45

Textual Amendments

- F4** Sch. 7 Pt. I paras. 1(2), 2(1)(3)(4), 3(1)(3), 5 repealed by [Highways Act 1980 \(c. 66, SIF 59\)](#), **Sch. 25**

Abolition of certain procedures for settlement of disputes by Minister

- 6 (1) This paragraph shall have effect for the purpose of abolishing certain powers of the Secretary of State or the Minister of Transport to determine disputes.
- (2) The following subsection shall be substituted for section 5(3) of the ^{M3}Local Government (Miscellaneous Provisions) Act 1953 (provision of omnibus shelters etc. by local authorities) :—
- “(3) Where the consent of the Secretary of State or the Minister of Transport is required under this section, disputes between the Minister whose consent is required and the local authority as to whether the consent of that Minister is unreasonably withheld or is given subject to reasonable conditions, or whether the removal of any shelter or other accommodation in accordance with any condition of the consent is reasonable 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.”.
- (3) In section 108(10) of the ^{M4}Highways Act 1959 (which provides that any consent of an authority which is required for the diversion of a highway shall not be unreasonably withheld) the words “and any question arising under this subsection whether the withholding of a consent is unreasonable shall be determined by the Minister” shall cease to have effect.
- (4) Section 246(2) of that Act (disputes as to nature of sums paid or recovered under Act) shall cease to have effect.

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(5)

^{F5}(6) Section 29(3) of the ^{M5}Local Government Act 1966 (which gives a lighting authority a right to appeal in case of dispute as to the exercise of their powers for purposes of the lighting of a highway for which they are not the highway authority) shall cease to have effect.

Textual Amendments

F5 Sch. 7 Pt. I para. 6(5) repealed by Litter Act 1983 (c. 35, SIF 100:3), s. 12(3), Sch. 2

Modifications etc. (not altering text)

C4 The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M3 1953 c. 26.

M4 1959 c. 25.

M5 1966 c. 42.

Abolition of certain Ministerial controls relating to structures on and near highway

7 The following provisions, namely—

(a) in the ^{M6}Highways Act 1959—

- (i) the proviso to section 73(1) (requirement to notify of proposed building lines for classified roads); and
- (ii) sections 95 and 96 (regulations about cattlegrids);

and

(b) section 120 of the Transport Act 1968 (orders prescribing minimum heights for parapets of bridges carrying roads over railways);

shall cease to have effect.

Modifications etc. (not altering text)

C5 The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M6 1959 c. 25.

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Miscellaneous amendments of Highway Acts and associated legislation

- 8 (1) Section 280(2), (3) and (4) of the Highways Act 1959 (which give powers to prescribe the form of various notices, orders, advertisements, certificates and other documents and provide that if forms are prescribed in exercise of those powers, those forms or forms to the like effect shall be used in all cases to which those forms are applicable) shall cease to have effect.
- (2) The following enactments, namely—
- section 288 of the Highways Act 1959;
 - section 16(4) of the Highways (Miscellaneous Provisions) Act 1961; and
 - Section 85 of the Highways Act 1971,
- each of which gives a power to repeal or amend local Acts) shall cease to have effect.
- (3) The repeal of the enactments specified in sub-paragraph (2) above shall not affect any application made under any of them before the passing of this Act; and any power conferred by any of them may accordingly be exercised after the passing of this Act in pursuance of any application.
- (4) Any order made under an enactment specified in sub-paragraph (2) above shall continue to have effect notwithstanding the repeal of that enactment.

Modifications etc. (not altering text)

C6 The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

^{F6}9—13.

Textual Amendments

F6 Sch. 7 Pt. II paras. 9–13 repealed by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), s. 146, Sch. 14

Traffic on bridges etc.

- 14 (1) The following enactments (which relate to the control of traffic on bridges and, amongst other things, give certain powers in relation to its control) shall cease to have effect—
- section 6 of the ^{M7}Locomotive Act 1861;
 - section 7 of the ^{M8}Locomotives Act 1898;
 - section 11 of the ^{M9}Ministry of Transport Act 1919;
 - section 17 of the ^{M10}Road Traffic Regulation Act 1967.
- (2) Nothing in sub-paragraph (1) above shall effect—
- any requirement to obtain consent under section 6 of the ^{M11}Locomotive Act 1861 which subsists at the passing of this Act by virtue of the placing of a

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- notice on any bridge, or an yliability for failure to obtain consent under that section; or
- (b) any appeal to the Minister of Transport or, as the case may be, to the Secretary of State, under section 7 of the ^{M12}Locomotives Act 1898 or section 11 of the ^{M13}Ministry of Transport Act 1919 which is pending on the passing of this Act.
- (3) From the passing of this Act any notice placed on a bridge by authority of a person such as is mentioned in section 6 of the ^{M14}Locomotive Act 1861 shall be deemed to have been placed there—
- (a) if the bridge is outside Greater London, in pursuance of an order under section 1 of the Road Traffic Regulation Act [^{F7}1984], and
- (b) if it is in Greater London, in pursuance of an order under section 6 of that Act.
- (4) Nothing in this paragraph affects a bridge which does not carry a road (within the meaning of [^{F8}section 142] of the Road Traffic Regulation Act [^{F7}1984])

Textual Amendments

- F7** Word substituted by [Road Traffic Regulation Act 1984 \(c. 27, SIF 107:1\)](#), s. 146, **Sch. 13 para. 38(a)**
- F8** Words substituted by [Road Traffic Regulation Act 1984 \(c. 27, SIF 107:1\)](#), s. 146, **Sch. 13 para. 38(b)**

Modifications etc. (not altering text)

- C7** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M7** 1861 c. 70.
- M8** 1898 c. 29.
- M9** 1919 c. 50.
- M10** 1967 c. 76.
- M11** 1861 c. 70 (107:1).
- M12** 1898 c. 29 (107:1).
- M13** 1919 c. 50 (126).
- M14** 1861 c. 70 (107:1).

Miscellaneous

- 15 (1) Section 1(9) of the Road Traffic Regulation Act 1967 (power of appropriate Minister to repeal local Acts extending the powers of section 26 of the ^{M15}Road Traffic Act 1960) shall cease to have effect.
- (2) Any order made under section 1(9) of the Road Traffic Regulation Act 1967 shall continue to have effect notwithstanding the repeal of that subsection.

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Modifications etc. (not altering text)

C8 The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M15 [1960 c. 16](#)

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