

SCHEDULES

SCHEDULE 6

FURTHER PROVISIONS RELATING TO LAND

Power to place post-boxes etc in streets

- 1 (1) A universal service provider may, for any purpose in connection with the provision of a universal postal service, execute in a street works of any of the kinds mentioned in sub-paragraph (2).
- (2) The kinds of works are—
- (a) placing a universal postal service letter box or a universal postal service pouch-box in a street,
 - (b) inspecting, maintaining, adjusting, repairing, altering or renewing such apparatus which has been so placed, changing its position or removing it,
 - (c) works needed for, or incidental to, the purposes of any works falling within paragraph (a) or (b) (including, in particular, breaking up or opening a street).
- (3) Accordingly, Part III of the New Roads and Street Works Act 1991 (street works in England and Wales), and the Street Works (Northern Ireland) Order 1995, apply in relation to undertakers' works in exercise of a power conferred by this paragraph.
- (4) For the avoidance of doubt, references in Part III of the Act of 1991 or the Order of 1995 to apparatus shall be construed as including universal postal service letter boxes and universal postal service pouch-boxes.
- (5) Subject to sub-paragraphs (6) and (7), sub-paragraph (1) authorises the universal service provider concerned to execute works of any of the kinds mentioned in sub-paragraph (2) without obtaining any consent which would otherwise be required to be given by the street authority in its capacity as such and, in the case of a maintainable highway, in its capacity as owner.
- (6) Sub-paragraph (5) is without prejudice to—
- (a) the provisions of Part III of the Act of 1991, or the provisions of the Order of 1995, as to the making of requirements by the street authority or as to the settlement of a plan and section and the execution of the works in accordance with them,
 - (b) section 61 of the Act of 1991 or Article 21 of the Order of 1995 (consent required for protected streets).
- (7) Sub-paragraph (1) does not free the universal service provider concerned from obtaining any other consent, licence or permission which may be required.
- (8) This paragraph binds the Crown.
- (9) In this paragraph references to doing anything in a street shall be construed as including references to doing anything under, over, across, along or upon the street.

Status: This is the original version (as it was originally enacted).

(10) In this paragraph—

“maintainable highway”—

(a) in England and Wales, has the same meaning as in Part III of the Act of 1991 and includes a street in respect of which a declaration has been made under section 87 of that Act (prospectively maintainable highways), and

(b) in Northern Ireland, means a road (within the meaning of the Order of 1995) and includes a street in respect of which a declaration has been made under Article 46 of that Order (prospective roads),

“street” and “street authority”—

(a) in England and Wales, have the same meaning as in Part III of the Act of 1991, and

(b) in Northern Ireland, have the same meaning as in the Order of 1995, and

“universal postal service pouch-box” means any box or receptacle provided by a universal service provider for the temporary storage of postal packets in the course of transmission by post pending their collection for immediate delivery by a person who is in the course of delivering postal packets in connection with the provision of a universal postal service.

(11) In the application of this paragraph to Scotland—

(a) references to streets shall be construed as references to roads and references to street authority shall be construed as references to road works authority,

(b) “maintainable highway” means a public road within the meaning of Part IV of the Act of 1991 and includes a road in respect of which a declaration has been made under section 146 of that Act (prospective public roads),

(c) “road” and “road works authority” have the same meaning as in Part IV of the Act of 1991,

(d) in sub-paragraph (3) for the words from “Part III” to “apply” there shall be substituted “Part IV of the New Roads and Street Works Act 1991 (road works in Scotland) applies”,

(e) in sub-paragraph (4) for the words from “Part III” to “1995” there shall be substituted “Part IV of the Act of 1991”,

(f) in sub-paragraph (6)(a) for the words from “Part III” to “1995,” there shall be substituted “Part IV of the Act of 1991”, and

(g) in sub-paragraph (6)(b) for the words from “61” to “of 1995” there shall be substituted “120 of the Act of 1991”.