



# Local Government (Miscellaneous Provisions) Act 1953

1953 CHAPTER 26 1 and 2 Eliz 2

*Powers of local authorities in respect of omnibus shelters, etc.*

## 5 Consents to exercise of powers under s. 4.

- (1) A local authority shall not have power by virtue of the last foregoing section to provide a shelter or other accommodation in any such situation or position as is described in the first column of the following Table, except with the consent of the person described in relation thereto in the second column of that Table:—

TABLE

In any highway for which there is a highway authority other than the local authority, or on land abutting on any such highway.	The highway authority.
In any highway belonging to and repairable by any railway, dock, harbour, canal, inland navigation or passenger road transport undertakers and forming the approach to any station, dock, wharf or depot of those undertakers.	The undertakers.
On any bridge not vested in the local authority or on the approaches to any such bridge.	The authority or other person in whom the bridge is vested.
On any bridge carrying a highway over any railway, canal or inland navigation, or on the approaches to any such bridge, or under any bridge carrying a railway,	The railway, canal or inland navigation undertakers concerned.

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**Changes to legislation:** There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) Act 1953, Section 5. (See end of Document for details)

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canal or inland navigation over a highway.

In a position obstructing or interfering with any existing access to any land or premises abutting on a highway.	The owner (as defined by the Public Health Act, 1936) of the land or premises.
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- (2) Any consent required by this section in respect of a shelter or other accommodation shall not unreasonably be withheld but may be given subject to any reasonable conditions, including a condition that the local authority shall remove the shelter or other accommodation either at any time or at or after the expiration of a period if reasonably required so to do by the person giving the consent.

[<sup>F1</sup>( 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 reasonably 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.]

#### Textual Amendments

- F1** S. 5(3) substituted by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\), s. 1\(7\), Sch. 7 para. 6\(1\)\(2\)](#)

#### Modifications etc. (not altering text)

- C1** S. 5: Functions of a local highway authority made exercisable by, or by employees of, such person as may be authorised in that behalf by the local highway authority whose function it is (23.7.1999) by [S.I. 1999/2106, art. 2, Sch. 3 para. 3](#)
- C2** S. 5(1)(2): Certain functions made exercisable by, or by employees of, such person as may be authorised in that behalf by the Secretary of State for Transport (25.7.1995) by [S.I. 1995/1986, art. 2, Sch. 3 para. 3](#)
- C3** S. 5(1)(2) functions made exercisable as specified (24.3.2009) by [The Contracting Out \(Highway Functions\) Order 2009 \(S.I. 2009/721\), arts. 1, 3, Sch. 3 para. 3](#)
- C4** S. 5(1)(2) functions made exercisable as specified (E.) (1.4.2015) by [The Delegation of Functions \(Strategic Highways Companies\) \(England\) Regulations 2015 \(S.I. 2015/378\), regs. 1\(1\), 3, Sch. 3 para. 3](#)
- C5** Functions of Minister of Transport now exercisable by Secretary of State: [S.I. 1965/319](#) and 1970/1681

**Changes to legislation:**

There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) Act 1953, Section 5.