

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Public Utilities Street Works Act 1950 (repealed 1.1.1993). (See end of Document for details)

SCHEDULES

FIRST SCHEDULE

Sections 1, 5, 18, 20, 29, 36, 39.

DEFINITION OF “CONTROLLED LAND”, AND PROVISIONS AS TO AUTHORISATION OF WORKS THEREIN

Definition of “Controlled Land”

- 1 (1) In this Act the expression “controlled land” means land abutting on a [^{F1}street which is a maintainable highway or is prospectively a maintainable highway][^{F1}road which is a public road or prospective public road] (in whatsoever use the land is for the time being, not excepting use as or as part of a garden or pleasure ground or the curtilage of a building), being land which either—
- (a) belongs to the [^{F2}street][^{F2}roads] authority and is for the time being held by them, or capable of being immediately appropriated by them, for road purposes; or
 - (b) is the subject of a subsisting authorisation of compulsory acquisition by them given with a view to their holding it for road purposes; or
 - [^{F3X1}(c) lies between the boundary of the street and an improvement line prescribed under [^{F4}section 73 of the ^{M1}Highways Act 1980], or under that section as applied by any other enactment, or under any corresponding provision in a special enactment.]
 - [^{F3X1}(c) is by virtue of an agreement capable of being immediately used by the roads authority for road purposes.]
- (2) Where a piece of land which would be controlled land within the definition in the preceding sub-paragraph contains any building, structure or erection other than fences, fence-walls, gates, posts, hoardings or other similar structures or erections, the controlled land shall be treated as consisting of that piece of land exclusive of the building, structure or erection, and of strata under or above it:
- Provided that the placing of a building, structure or erection in controlled land after apparatus has been placed in it by virtue of an authorisation under this Schedule shall not affect the right of the undertakers to keep the apparatus there and to execute any undertakers’ works in relation thereto (including the placing of apparatus by way of renewal thereof and undertakers’ works requisite therefor or incidental thereto), and references in this Act to works executed in controlled land shall extend to works executed in exercise of that right.
- (3) Land falling within the definition of controlled land in this paragraph which or an interest in which is held by the Minister shall not be treated as excluded therefrom by reason of its being held by him on behalf of the Crown.

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Editorial Information

- X1** Para. 1(1)(c) commencing “is by virtue” substituted (S.) for para. 1(1)(c) commencing “lies between” by Roads (Scotland) Act 1984 (c. 54, SIF 108), **Sch. 9 para. 39(33)(a)(iii)**

Textual Amendments

- F1** Words “road which is a public road or prospective public road” substituted (S.) for words “street which is a maintainable highway or is prospectively a maintainable highway” by Roads (Scotland) Act 1984 (c. 54, SIF 108), **Sch. 9 para. 39(33)(a)(i)**
- F2** Word “roads” substituted (S.) for word “street” by Roads (Scotland) Act 1984 (c. 54, SIF 108), **Sch. 9 para. 39(33)(a)(ii)**
- F3** Para. 1(1)(c) commencing “is by virtue” substituted (S.) for para. 1(1)(c) commencing “lies between” by Roads (Scotland) Act 1984 (c. 54, SIF 108), **Sch. 9 para. 39(33)(a)(iii)**
- F4** Words substituted by virtue of Interpretation Act 1978 (c. 30, SIF 115:1), **s. 17(2)(a)**

Marginal Citations

- M1** 1980 c. 66(59).

Provisions as to authorisation of execution of works in controlled land

- 2 The [^{F5}street][^{F5}roads] authority for any such [^{F6}street][^{F6}road] as is mentioned in paragraph 1 of this Schedule wherein there is exercisable a power to execute undertakers’ works of any kind (being a power to which section one of this Act applies and in relation to which the street works code has effect) may, subject to the provisions of this Schedule, authorise the undertakers to execute works of that kind in controlled land abutting on the [^{F6}street][^{F6}road] instead of in the [^{F6}street][^{F6}road], and such an authorisation may be given as to such works either generally or as respects a particular class of such works or as respects particular works.

Textual Amendments

- F5** Word “roads” substituted (S.) for word “street” by Roads (Scotland) Act 1984 (c. 54, SIF 108), **Sch. 9 para. 39(33)(b)**
- F6** Word “road” substituted (S.) for word “street” by Roads (Scotland) Act 1984 (c. 54, SIF 108), **Sch. 9 para. 39(33)(b)**

- 3 An authorisation given under this Schedule shall be irrevocable, and, where such an authorisation has been duly given as respects any works, the undertakers shall, subject to the provisions of this Schedule, have the like power to execute the works in the controlled land, and the like rights in relation to apparatus placed in exercise of that power, as if the controlled land had been comprised in the [^{F7}street][^{F7}road] (and, where any consent of the [^{F8}street][^{F8}roads] authority as such or of the [^{F7}street][^{F7}road] managers as such would have been requisite for the execution of the works in the [^{F7}street][^{F7}road], as if that consent had been given unconditionally), and shall have power to enter upon the controlled land for the purposes of the execution of the works therein.

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Textual Amendments

- F7** Word “road” substituted (S.) for word “street” by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), [Sch. 9 para. 39\(33\)\(c\)](#)
- F8** Word “roads” substituted (S.) for word “street” by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), [Sch. 9 para. 39\(33\)\(c\)](#)

- 4 Before giving an authorisation under this Schedule the [^{F9}street][^{F9}roads] authority shall publish in a newspaper circulating in the locality a notice of their intention to give the authorisation, and shall, not later than the day on which the notice is published, serve a like notice on every person being an owner, lessee or occupier of the controlled land or of any part thereof and having the interest of a tenant for a year or from year to year or any greater interest, and no person shall be entitled to question the power of the authority to give the authorisation, or the validity of the authorisation when given, in any proceedings commenced later than the expiration of one month from the date on which the notice was published.

Textual Amendments

- F9** Word “roads” substituted (S.) for word “street” by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), [Sch. 9 para. 39\(33\)\(d\)](#)

- 5 (1) Undertakers proposing to begin the execution of code-regulated works in controlled land shall give to the [^{F10}street][^{F10}roads] authority, and, in the case of land in the occupation of a person other than the [^{F10}street][^{F10}roads] authority, to him, a notice stating the general nature of the works and their intention to execute them, and shall not begin the execution thereof, except with the consent of the [^{F10}street][^{F10}roads] authority and of any other person in occupation of the land, until there have elapsed from the date on which the notice was given—

- (a) in the case of any works not being such as are mentioned in head (b) of this sub-paragraph, seven days, or
- (b) in the case of works relating only to a service pipe or service line or [^{F11}overhead telecommunication apparatus], three days:

Provided that the undertakers may begin the execution of any of the works in question which are emergency works before the time when by virtue of the preceding provisions of this sub-paragraph they could lawfully begin them.

- (2) If undertakers begin the execution of any works in contravention of the preceding sub-paragraph, they shall in respect of that contravention be liable on summary conviction to a fine not exceeding [^{F12}level 3 on the standard scale].

Textual Amendments

- F10** Word “roads” substituted (S.) for word “street” by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), [Sch. 9 para. 39\(33\)\(e\)](#)
- F11** Words substituted by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, Sch. 4 para. 29(2), [Sch. 5 para. 45](#)

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F12 Words substituted (E.W.) (S.) by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46** and (S.) by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F, 289G**

6 (1) In respect of—

- (a) any diminution of the value of an interest in controlled land, or in land adjacent thereto and held therewith, by the giving of an authorisation under this Schedule, or
- (b) any damage sustained by the owner of such an interest or of things in the controlled land which is caused by the execution lawfully of works therein, or by entry thereon, by virtue of such an authorisation.

the ^{F13}street][^{F13}roads] authority giving the authorisation shall pay compensation to the owner of the interest so diminished in value, or to the owner who sustained the damage, as the case may be, any compensation for such diminution being in the form of a lump sum assessed with due regard to the right to compensation for such damage, and where any dispute arises whether compensation is payable under this paragraph, or as to the amount of any such compensation, the dispute shall be determined by the Lands Tribunal [^{F14}for Scotland].

(2) Undertakers to whom an authorisation is given under this Schedule shall pay to the ^{F15}street][^{F15}roads] authority the amount of any compensation which the authority are liable to pay under this paragraph as the ^{F15}street][^{F15}roads] authority giving the authorisation, except—

- (a) where it has been determined under section five of this Act otherwise than with the agreement of the undertakers that the works in question ought to be executed in the controlled land, or the undertakers have agreed to the execution of the works therein after notification to them of modifications or disapproval of a plan and section of the works as proposed to be executed in the ^{F16}street][^{F16}road] on the ground that the works ought to be executed in the controlled land, in so far as the liability of the authority to make the payment is attributable to the giving of an authorisation required for the execution of those works or to the execution thereof or to entry for the purposes thereof; or
- (b) in any other case, in so far as it appears t the ^{F15}street][^{F15}roads] authority that it is reasonable that the ultimate incidence of the liability for any such compensation should be on them.

Textual Amendments

- F13** Word “roads” substituted (S.) for word “street” by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), **Sch. 9 para. 39(33)(f)(i)**
- F14** Words added (S.) by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), **Sch. 9 para. 39(33)(f)(ii)**
- F15** Word “roads” substituted (S.) for word “street” by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), **Sch. 9 para. 39(33)(g)**
- F16** Word “road” substituted (S.) for word “street” by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), **Sch. 9 para. 39(33)(g)**

7 (1) Undertakers to whom an authorisation is given under this Schedule shall pay to the ^{F17}street][^{F17}roads] authority an amount equal to any amount by which the cost

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reasonably incurred by the undertakers of executing any works which are executed in controlled land pursuant to the authorisation is less by reason of their being executed therein than it would have been if they had been executed in the [F18street][F18road].

For the purposes of this sub-paragraph, any payment made or required to be made by the undertakers to the [F17street][F17roads] authority under sub-paragraph (2) of the last preceding paragraph shall be treated as part of the cost reasonably incurred by the undertakers of executing the works in the controlled land.

- (2) Where it has been determined under section five of this Act otherwise than with the agreement of the undertakers that works ought to be executed in controlled land, or the undertakers have agreed to the execution of works therein after notification to them of modifications or disapproval of a plan and section of the works as proposed to be executed in the [F18street][F18road] on the ground that the works ought to be executed in controlled land, the [F17street][F17roads] authority shall pay to the undertakers an amount equal to any amount by which the cost reasonably incurred by the undertakers of the execution of those works is greater by reason of their being executed in that land than it would have been if they had been executed in the [F18street][F18road].
- (3) Any question arising under this paragraph shall, in default of agreement between the [F17street][F17roads] authority and the undertakers, be determined by arbitration.

Textual Amendments

- F17** Word “roads” substituted (S.) for word “street” by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), [Sch. 9 para. 39\(33\)\(h\)](#)
- F18** Word “road” substituted (S.) for word “street” by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), [Sch. 9 para. 39\(33\)\(h\)](#)

*Provision for case of controlled land ceasing to be
such after authorisation of execution of works therein*

- 8 (1) If at any time after an authorisation has been given under this Schedule as to any controlled land the land or any part of it ceases to be within the definition of controlled land contained in paragraph 1 of this Schedule without having become part of the [F19street][F19road], and any person being an owner, lessee or occupier of the land or of that part of it, as the case may be, not being only a tenant for a year or from year to year or for any less interest, gives notice to the undertakers that he objects to the continuance of the power and rights thereover vested in them by virtue of the authorisation, the said power and rights shall determine as to the land or to that part of it, as the case may be, at the expiration of six months from the date on which the notice was given:

Provided that (as respects any land ceasing to be controlled land under sub-paragraph (2) of paragraph 1 of this Schedule by reason of the placing of a building, structure or erection in controlled land after apparatus has been placed in it) this sub-paragraph shall have effect subject to the like saving for the right of undertakers as is contained in the proviso to the said sub-paragraph (2).

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- (2) The [^{F20}street][^{F20}roads] authority shall pay to the undertakers the amount of any cost reasonably incurred by the undertakers of or in connection with any removal of apparatus rendered necessary by such a determination, and of executing any other undertakers' works or taking any other measures the execution or taking whereof is rendered necessary thereby for the purposes of the supply or service for which apparatus whose removal is rendered necessary was used.
- (3) Where after apparatus has been placed in controlled land by virtue of an authorisation under this Schedule the land becomes part of the [^{F19}street][^{F19}road], if any consent would have been requisite for the placing thereof had it been placed in the [^{F19}street][^{F19}road] immediately after that land became part thereof, the relevant power of the undertakers to which section one of this Act applies shall be exercisable in relation to the apparatus as if that consent had been given unconditionally.

Textual Amendments

- F19** Word “road” substituted (S.) for word “street” by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), **Sch. 9 para. 39(33)(i)**
- F20** Word “roads” substituted (S.) for word “street” by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), **Sch. 9 para. 39(33)(i)**

[^{F21X2}SECOND SCHEDULE

Sections 1, 36.]

DECLARATIONS DESIGNATING STREETS AS PROSPECTIVELY MAINTAINABLE HIGHWAYS

Editorial Information

- X2** [Sch. 2](#) headed “Declarations Designating Roads as Prospective Public Roads” substituted (S.) for [Schedule 2](#) headed “Declarations Designating Streets as Prospectively Maintainable Highways” by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), **Sch. 9 para. 39(34)**

Textual Amendments

- F21** [Sch. 2](#) headed “Declarations Designating Roads as Prospective Public Roads” substituted (S.) for [Schedule 2](#) headed “Declarations Designating Roads as Prospectively Maintainable Highways” by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), **Sch. 9 para. 39(34)**

- 1 Where the [^{F22}local highway authority] are satisfied as to any street in their area, whether a highway or not, which is not a maintainable highway that it is likely to become a maintainable highway, they may declare that it is likely to become such:

Provided that such a declaration shall not be made as to a street which is under the management or control of a transport authority.

Textual Amendments

- F22** Words substituted by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), **Sch. 21 para. 98(5)**

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[^{F23}2 A declaration made under this Schedule shall be a local land charge.]

Textual Amendments

F23 Para. 2 substituted for paras. 2–4 by [Local Land Charges Act 1975 \(c. 76, SIF 98:2\)](#), [Sch. 1](#)

[^{F24X3}SECOND SCHEDULE

DECLARATIONS DESIGNATING ROADS AS PROSPECTIVE PUBLIC ROADS]

Editorial Information

X3 [Sch. 2](#) headed “Declarations Designating Roads as Prospective Public Roads” substituted (S.) for [Schedule 2](#) headed “Declarations Designating Streets as Prospectively Maintainable Highways” by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), [Sch. 9 para. 39\(34\)](#)

Textual Amendments

F24 [Sch. 2](#) headed “Declarations Designating Roads as Prospective Public Roads” substituted (S.) for [Schedule 2](#) headed “Declarations Designating Roads as Prospectively Maintainable Highways” by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), [Sch. 9 para. 39\(34\)](#)

- 1 Subject to paragraph 2 below, where a local roads authority are satisfied that a road in their area which is not a public road is likely to become a public road they may issue a declaration to that effect.
- 2 A declaration under paragraph 1 above shall not be made as regards a road which is under the management or control of a transport authority.
- 3 Each local roads authority shall keep a register in which shall be entered, in such manner as may be prescribed by the Secretary of State, particulars of every declaration made by them under paragraph 1 above; and they shall keep the register open to public inspection and allow any person to make a copy of any entry therein.

THIRD SCHEDULE

Sections 7, 8, 9, 10.

REINSTATEMENT AND MAKING GOOD BY STREET AUTHORITY OR STREET MANAGERS AFTER EXECUTION OF UNDERTAKERS’ WORKS

- 1 (1) In any case in which undertakers are under obligation by virtue of subsection (2) of section seven of this Act to reinstate and make good a [^{F25}street][^{F25}road] or controlled land after the completion of any code-regulated works involving breaking up or opening thereof, other than works relating to a service pipe or service

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line or an [^{F26}overhead telecommunication apparatus] being works such as are mentioned in paragraph (b) or (d) of subsection (2) of section three of this Act, the [^{F27}street][^{F27}roads] authority or [^{F25}street][^{F25}road] managers may, by notice given to the undertakers as mentioned in the next succeeding sub-paragraph, elect to do the permanent reinstatement and making good of the [^{F25}street][^{F25}road] or controlled land or of any part thereof at upper levels:

Provided that the provisions of this Schedule shall not apply to a [^{F28}street being a highway which is not a maintainable highway and][^{F28}private road] which no person is liable to the public to maintain or repair.

- (2) A notice of such an election shall be deemed to have been duly given if the code-regulated works are in a [^{F29}street][^{F29}road] or controlled land as to which the authority or managers had given to the undertakers notice of their desire that the provisions of this Schedule should have effect in the case of all code-regulated works executed by the undertakers therein or in the case of all such works of a class specified in the notice within which the works in question fall.

In any other case, a notice of such an election shall be given without any avoidable delay on the part of the authority or managers after they know of the intention of the undertakers to execute the code-regulated works, and—

- (a) where those works are executed after settlement of a plan and section thereof under section four of this Act if the works are in a [^{F29}street][^{F29}road] or under section five thereof if they are in controlled land, notice given after the expiration of eight days from the date on which the plan and section were settled shall not be effective; and
- (b) where they are not, notice given after the undertakers have begun reinstatement or making good of any part of the [^{F29}street][^{F29}road] or controlled land shall not be effective as to that part thereof.
- (3) If a notice of such an election is given in relation to reinstatement of a [^{F30}street which is prospectively a maintainable highway][^{F30}prospective public road] both by the [^{F31}street][^{F31}roads] authority and by the [^{F32}street][^{F32}road] managers, the election of the authority shall have effect to the exclusion of that of the managers, and, if in relation to reinstatement of a [^{F32}street][^{F32}road] as to which two or more bodies or persons are [^{F32}street][^{F32}road] managers notice of such an election is given by two or more of them, the election of such of them as the [^{F33}appropriate local][^{F33}local roads] authority may determine shall have effect to the exclusion of that of any of the others.

Textual Amendments

- F25** Word “road” substituted (S.) for word “street” by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), **Sch. 9 para. 39(35)(a)(i)**
- F26** Words substituted by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, Sch. 4 para. 29(2), **Sch. 5 para. 45**
- F27** Word “roads” substituted (S.) for word “street” by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), **Sch. 9 para. 39(35)(a)(i)**
- F28** Words “private road” substituted (S.) for words “street being a highway which is not a maintainable highway” by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), **Sch. 9 para. 39(35)(a)(ii)**
- F29** Word “road” substituted (S.) for word “street” by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), **Sch. 9 para. 39(35)(b)**

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- F30** Words “prospective public road” substituted (S.) for words “street which is prospectively a maintainable highway” by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), [Sch. 9 para. 39\(35\)\(c\)\(i\)](#)
- F31** Word “roads” substituted (S.) for word “street” by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), [Sch. 9 para. 39\(35\)\(c\)\(ii\)](#)
- F32** Word “road” substituted (S.) for word “street” by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), [Sch. 9 para. 39\(35\)\(c\)\(ii\)](#)
- F33** Words “local roads” substituted (S.) for words “appropriate local” by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), [Sch. 9 para. 39\(35\)\(c\)\(iii\)](#)

2 (1) In case of such an election as aforesaid, the following provisions of this Schedule shall have effect as to so much of the [^{F34}street][^{F34}road] or controlled land as the election extends to.

(2) In the said provisions, in relation to a [^{F34}street][^{F34}road] or controlled land that has been opened or broken up—

“interim restoration” means all such works as are requisite for securing that it does not remain open or broken up for any longer time than is reasonably necessary, and that its state during the period before it is permanently reinstated and made good at surface level is not such as to be likely to cause danger;

“permanent reinstatement and making good” means any works of reinstatement and making good executed on any occasion otherwise than with a view to their being superseded by further works to be executed shortly thereafter; and

“surface level” means what was the surface level before the opening or breaking up.

Textual Amendments

- F34** Word “road” substituted (S.) for word “street” by [Roads \(Scotland\) Act 1984 \(c. 50, SIF 108\)](#), [Sch. 9 para. 39\(35\)\(d\)](#)

3 The undertakers shall be under obligation (in accordance with the provisions of subsection (2) of section seven of this Act as to the time for the discharge of that obligation and otherwise) to execute the following reinstatement and making good, and no other, that is to say—

- (a) interim restoration at any place during the period between the time when their obligation under the said subsection (2) to begin reinstatement and making good there arises and the time when they are given notice under paragraph 5 of this Schedule that the electing authority or managers are about to begin their permanent reinstatement and making good there; and
- (b) such of the permanent reinstatement and making good as is not within the obligation of the electing authority or managers under the next succeeding paragraph.

4 (1) The electing authority or managers shall be under obligation (in accordance with the provisions of paragraph 5 of this Schedule as to the time for discharge of that obligation) to execute the permanent reinstatement and making good at surface level,

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and at lower levels so far as may be requisite for securing that the [^{F35}street][^{F35}road] or controlled land is permanently reinstated and made good at the surface level:

Provided that they shall not be under any obligation, and shall not have any power, to execute any of the permanent reinstatement and making good within twelve inches above apparatus of the undertakers, or, if and in so far as the electing authority or managers and the undertakers agree to the substitution of another measure for the said twelve inches for the purposes of this proviso, within that measure above such apparatus.

- (2) During the period between the time when the electing authority or managers give notice under paragraph 5 of this Schedule that they are about to begin their permanent reinstatement and making good at any place and the time of the completion thereof there, they shall be under obligation to execute interim restoration there.
- (3) The undertakers shall pay to the electing authority or managers an amount equal to the cost reasonably incurred by them in the discharge of their obligations under the preceding sub-paragraphs.
- (4) The electing authority or managers shall be entitled, if and so far as may be requisite for the discharge of their obligation under sub-paragraph (1) of this paragraph as to permanent reinstatement and making good, to undo and do again reinstatement and making good previously executed by the undertakers, and the cost thereof reasonably incurred by the electing authority or managers shall be included in the amount payable to them under the last preceding sub-paragraph.

Textual Amendments

F35 Word “road” substituted (S.) for word “street” by [Roads \(Scotland\) Act 1984 \(c. 50, SIF 108\)](#), [Sch. 9 para. 39\(35\)\(e\)](#)

- 5 (1) The electing authority or managers shall begin their permanent reinstatement and making good at any place as soon as is prudent and practicable after the time when the undertakers are to be treated under the next succeeding sub-paragraph as having completed their works there and such of the permanent reinstatement and making good there as they are under obligation to execute.
- (2) When—
 - (a) the undertakers have completed at any place their works and such of the permanent reinstatement and making good there as they are under obligation to execute; and
 - (b) if any notice under subsection (4) of section seven of this Act requiring the undertakers to remedy any defect in what they have done there has been given, the proceedings consequent on the notice and any works which they are under obligation to execute by virtue thereof have been completed,
 the undertakers shall give notice of the completion thereof to each of the authorities concerned who are entitled to give a notice under the said subsection (4), and on the giving by the undertakers of their notice they shall be treated for the purposes of this paragraph as having completed their works there and such of the permanent reinstatement and making good there as they are under obligation to execute, if either—

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(i) no notice under the said subsection (4) (or, if there has already been any such, no further such notice) is given by any such authority within the following time from the giving of the undertakers' notice, that is to say eight days in the case of such an authority being a ^{F36}Minister of the Crown, a county council^{F36} roads authority] or a transport authority, or four days in the case of any other such authority; or

(ii) any notice under the said subsection (4) so given (or every such notice if more than one) is withdrawn or is determined by arbitration not to be justified.

(3) When the electing authority or managers are about to begin their permanent reinstatement and making good at any place they shall give notice to the undertakers that they are about to begin it.

Textual Amendments

F36 Words “roads authority” substituted (S.) for words “Minister of the Crown, a county council” by [Roads \(Scotland\) Act 1984 \(c. 50, SIF 108\)](#), [Sch. 9 para. 39\(35\)\(f\)](#)

- 6 (1) The duty to secure observance of the requirements of paragraphs (a) to (e) of subsection (1) of section eight of this Act (as to safety, obstruction and other matters) shall, as regards the observance thereof during and in connection with the execution of reinstatement and making good at any place, be on the undertakers until the electing authority or managers have given notice under the last preceding paragraph that they are about to begin their permanent reinstatement and making good there, but shall then devolve on the electing authority or managers.
- (2) The undertakers shall pay to the electing authority or managers an amount equal to the cost reasonably incurred by them of performing duties devolving on them under this paragraph.
- 7 Nothing in this Schedule shall affect the provisions of section twelve of this Act or of subsection (1) of section thirteen thereof as to the reinstatement and making good of sewers, drains and tunnels.

FOURTH SCHEDULE

Sections 21, 22, 23, 37.

SUPPLEMENTARY PROVISIONS OF THE CODE IN PART II OF THIS ACT

Modifications etc. (not altering text)

C1 [Sch. 4](#) extended (16.3.1992) by [Midland Metro Act 1992 \(c. vii\)](#), [s. 8\(3\)](#)

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Public Utilities Street Works Act 1950 (repealed 1.1.1993). (See end of Document for details)

PART I

SETTLEMENT OF SPECIFICATION OF WORKS AND MEASURES TO BE TREATED AS RENDERED NECESSARY UNDER THE CODE IN PART II

- 1 (1) The provisions of Part I of this Schedule shall have effect as to settling a specification of undertakers' works or measures which are to be treated at the instance of undertakers or of a promoting authority as necessary as mentioned in section twenty-two of this Act.
- (2) In this Schedule the expression "relevant apparatus" means apparatus such as is mentioned in section twenty-one of this Act which is in the [^{F37}street][^{F37}road] in question or in controlled land abutting on it.

Textual Amendments

F37 Word "road" substituted (S.) for word "street" by [Roads \(Scotland\) Act 1984 \(c. 50, SIF 108\)](#), [Sch. 9 para. 39\(36\)\(a\)](#)

Settlement of specification at the instance of the undertakers

- 2 (1) Where the execution of any authority's works is intended, the promoting authority shall give notice of the intention to execute them, stating that the notice is given for the purposes of this Schedule, together with, in the case of a road alteration, a statement of the nature and mode of execution of the authority's works, or, in the case of a bridge alteration or of transport works, a plan and section of the authority's works—
- (a) to all undertakers whom the authority know to have relevant apparatus, and
- (b) to any undertakers having relevant apparatus who have not been given a notice by virtue of head (a) of this sub-paragraph and who give notice to the authority that they have such apparatus not later than the expiration of fifteen days from the date on which the authority's works are begun.
- (2) In the case of a road alteration, if it appears to any such undertakers that a plan and section of the authority's works or any of them ought to be furnished to them, they shall, as early as practicable and not later than the expiration of fifteen days from the date of the giving to them of the authority's notice under the preceding sub-paragraph, give notice to the authority requiring them to furnish a plan and section thereof.
- 3 If any undertakers entitled to notice from the authority under the last preceding paragraph desire to claim that any undertakers' works or any measures are necessary for the purposes mentioned in subsection (1) of section twenty-two of this Act as respects relevant apparatus of theirs, they shall, as early as practicable and not later than the expiration of twenty-nine days from the date of the giving to them of the authority's notice under the last preceding paragraph (or, in the case of a road alteration as to which they have duly required a plan and section to be furnished to them, from the date on which they are furnished therewith), give notice to the authority, specifying the undertakers' works and the measures which the undertakers claim to be so necessary.

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Public Utilities Street Works Act 1950 (repealed 1.1.1993). (See end of Document for details)

- 4 When any undertakers entitled as aforesaid have duly given a notice under the last preceding paragraph, the authority shall give notice to the undertakers without avoidable delay either accepting the undertakers' notice as a specification of works and measures to be treated at the instance of the undertakers as necessary for the purposes aforesaid as respects relevant apparatus of theirs, or objecting to it, and—
- (a) if the authority do not so give notice within twenty-nine days from the date on which the undertakers' notice was given, the authority shall be deemed to have accepted it as aforesaid;
 - (b) if the authority do so give notice objecting to the undertaker's notice, such a specification may be settled by agreement between the authority and the undertakers, or, in default of agreement, the undertakers or the authority may refer the matter to arbitration and the [^{F38}arbitrator][^{F38}arbiter] shall (unless he determines that none of the works or measures claimed ought to be so treated) settle a specification of the works and measures to be so treated.

Textual Amendments

F38 Word “arbiter” substituted (S.) for word “arbitrator” by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), [Sch. 9 para. 39\(36\)\(b\)](#)

- 5 Except as regards emergency works, the authority's works shall not be begun (or, if they have been begun before the giving by the undertakers of a notice under head (b) of sub-paragraph (1) of paragraph 2 of this Schedule, they shall not be continued thereafter) until—
- (a) in the case of all undertakers entitled to notice from the authority under paragraph 2 of this Schedule who have duly given a notice under paragraph 3 thereof, such a specification as aforesaid has been settled as aforesaid, or it has been agreed or determined that none of the works or measures claimed ought to be treated as aforesaid, and
 - (b) any undertakers so entitled who have not given a notice under paragraph 3 of this Schedule are under the preceding provisions of this Schedule out of time for giving it.
- 6 If any authority's works, other than emergency works, are begun without the authority's having previously given a notice under paragraph 2 of this Schedule to undertakers whom the authority know, or ought reasonably to have known, to have relevant apparatus, the authority shall pay to those undertakers an amount equal to any loss sustained by them by reason of the failure of the authority so to give such a notice to those undertakers.

Settlement of specification at the instance of the promoting authority

- 7 (1) If a promoting authority desire to claim that any undertakers' works are necessary for the purposes mentioned in subsection (2) of section twenty-two of this Act as respects relevant apparatus of any undertakers, the authority may give notice to the undertakers specifying the works which the authority claim to be so necessary.

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Public Utilities Street Works Act 1950 (repealed 1.1.1993). (See end of Document for details)

- (2) When the promoting authority have given a notice under the preceding sub-paragraph, the provisions relating to undertakers' works of paragraph 4 of this Schedule shall have effect with requisite adaptations as to the settlement of a specification of works to be treated at the instance of the authority as necessary for the purposes aforesaid as respects apparatus of the undertakers.
- (3) The promoting authority shall use their best endeavours to secure that any notice to be given by them to any undertakers under sub-paragraph (1) of this paragraph shall be given early enough to enable the requisite specification to be settled in the same proceedings as any specification to be settled under the said paragraph 4 at the instance of those undertakers in relation to the same authority's works.

PART II

MODIFICATIONS OF THE CODE IN PART II OF THIS ACT TO APPLY WHERE TWO OR MORE OPERATIONS BEING AUTHORITY'S WORKS ARE EXECUTED ON THE SAME OCCASION

- 8 (1) Where two or more operations each being authority's works are executed in connection with each other on the same occasion by different authorities, those operations shall be treated for the purposes of sections twenty-two to twenty-five of this Act and Part I of this Schedule as together constituting the authority's works.
- (2) In relation to authority's works constituted by such operations as aforesaid, the obligations and rights of a promoting authority under the said sections and Part I of this Schedule to or against the undertakers shall be in one only of the authorities executing the operations in question (hereinafter referred to as the negotiating authority), and the negotiating authority shall be such one of them as may be selected by agreement between them, or, in default of agreement—
 - (a) if a road alteration is included and is not one executed only because it is made necessary by another of the operations, the authority executing the road alteration, or
 - (b) otherwise, the authority executing the other operation, or, if the operations include or consist of two or more other operations, such one of the authorities executing them as the Minister may select,
 and a notice under paragraph 2 of this Schedule shall not be given until the negotiating authority has been selected, and a notice given thereunder shall state what authority is to be the negotiating authority.
- 9 (1) In relation to authority's works constituted by such operations as aforesaid references to the promoting authority in sections twenty-two to twenty-five of this Act and in Part I of this Schedule shall (except in the case of those mentioned in the succeeding sub-paragraph) be construed as references to the negotiating authority.
- (2) In relation to such authority's works references in the following provisions to the promoting authority shall be construed as references to either or any of the authorities executing the operations in question, that is to say—
 - subsection (3) of section twenty-two (as to a promoting authority's power to waive observance of the requirements therein mentioned);

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Public Utilities Street Works Act 1950 (repealed 1.1.1993). (See end of Document for details)

subsection (1) of section twenty-three (as to the effect on the undertakers' right to payment for works for remedying subsidence in circumstances in which such an authority were to blame); and

sections twenty-four and twenty-five (as to the effect of enactments and agreements for regulating the relations between such an authority and the undertakers).

- 10 The authorities executing such operations as aforesaid may, notwithstanding anything in the two preceding paragraphs, make provision by agreement as to the discharge and exercise of the obligations and rights which are in the negotiating authority thereunder, as to how expenses and receipts arising from the discharge and exercise thereof are to be ultimately allocated between them, or otherwise in relation thereto, and in default of agreement as to any of those matters, it shall be determined by arbitration on a reference by either or any of those authorities:

Provided that nothing in any such agreement or determination shall, except with the consent of the undertakers, affect the right conferred on them by virtue of those paragraphs to deal with the negotiating authority only.

- 11 Subsection (2) of section twenty-three of this Act (as to excluding the right of undertakers to payment under section twenty-two of this Act where conditions as to notice of authority's works are satisfied) shall not have effect as to authority's works constituted by such operations as aforesaid, but the undertakers shall not be entitled to any payment by virtue of section twenty-two of this Act by reference to such authority's works so far as consisting of any operation included therein if their right thereto would have been excluded by that subsection had that operation been the only one executed.

FIFTH SCHEDULE

CONSEQUENTIAL MODIFICATIONS OF PUBLIC GENERAL ENACTMENTS

Modifications etc. (not altering text)

C2 Sch. 5 amended (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), Sch. 9 para. 39(37)

The modifications specified in this Schedule have effect subject to the limitations specified in the following provisions of this Act:—

- (i) As to modifications consequential on the street works code—Paragraph (a) of subsection (3) of section fifteen and subsection (4) of that section.
- (ii) As to modifications consequential on section seventeen of this Act—Paragraph (a) of subsection (2) of that section.
- (iii) As to modifications consequential on the code in Part II of this Act—Paragraph (a) of subsection (2) of section twenty-four.

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Public Utilities Street Works Act 1950 (repealed 1.1.1993). (See end of Document for details)

Modifications	Provision of this Act on which modification is consequential
<p>... F39</p> <p><i>The Waterworks Clauses Act, 1847 (10 & 11 Vict. c. 17).</i></p> <p>In section twenty-eight, the words “under such superintendence as is hereinafter specified” shall be omitted.</p> <p>Sections thirty to thirty-four shall cease to have effect.</p> <p><i>The Towns Improvement Clauses Act, 1847 (10 & 11 Vict. c. 34).</i></p> <p>Section sixty-one shall cease to have effect so far as it relates to the alteration, for the purpose of authority’s words as defined in Part II of this Act, of the position of any pipes or other works.</p>	<p>... F39</p> <p>The street works code.</p> <p>The street works code.</p> <p>The code in Part II.</p>
<p>... F40</p> <p><i>The Public Health Act, 1875 (38 & 39 Vict. c. 55).</i></p> <p>Section one hundred and fifty-three shall cease to have effect so far as it relates to the alteration, for the purpose of authority’s works as defined in Part II of this Act, of the situation of pipes or other works.</p>	<p>... F40</p> <p>The code in Part II.</p>
<p>... F41</p>	<p>... F41</p>
<p>... F39</p>	<p>... F39</p>
<p>... F42</p> <p><i>The Burgh Police (Scotland) Act, 1892 (55 & 56 Vict. c. 55).</i></p> <p>Section one hundred and forty-nine shall cease to have effect so far as it relates to the alteration, for the purpose of authority’s works as defined in Part II of this Act, of the situation of pipes or other works.</p>	<p>... F42</p> <p>The code in Part II.</p>
<p>... F42</p>	<p>... F42</p>
<p>... F39</p>	<p>... F39</p>
<p>... F43</p>	<p>... F43</p>

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Public Utilities Street Works Act 1950 (repealed 1.1.1993). (See end of Document for details)

The Electricity (Supply) Act, 1926 (16 & 17Geo.5,c.51).

In section thirty-five, in subsection (1), paragraph (b) shall cease to have effect. The code in Part II.

The Petroleum Production Act, 1934 (24 & 25 Geo.5. c. 36).

In section three, in subsection (1), the words “and thirty to thirty-four” shall be omitted. The street works code.

The Public Health Act, 1936 (26Geo.5 & 1Edw.8c.49).

In section two hundred and seventy-nine, the proviso to subsection (2), and subsection (3), shall cease to have effect. The street works code.

[^{F44}*The Water Act, 1945 (8 & 9Geo.6.c. 42).*]

[^{F44}In section twelve, in subsection (5), after the words “Parts V and VI of the Third Schedule to this Act” there shall be inserted the words “and the street works code in the Public Utilities Street Works Act, 1950”.] [^{F44}Section twenty.]

[^{F44}In section twenty-two, in subsection (3), there shall be added at the end thereof the words:— “Provided that the consent of the highway authority shall not be required by virtue of this subsection for the carrying by any undertakers of any drain, sewer or watercourse under any street maintainable at the public expense which is within the limits of supply of those undertakers”.] [^{F44}Section s eventeen.]

...
F43

...
F43

[^{F44}In the Third Schedule, sections twenty-three and twenty-four shall cease to have effect.] [^{F44}The street works code.]

[^{F44}In the Third Schedule, in section twenty-five, in subsection (1), after the words “street or bridge” there shall be inserted the words “(not being a street or bridge maintainable at the public expense)”.] [^{F44}Section seventeen.]

[^{F44}In the Third Schedule, subsection (2) of section twenty-five (except so far as it is applied by subsection (3) of that section), section twenty-six, subsection (2) of section twenty-seven, and subsection (2) of section twenty-eight, shall cease to have effect.] [^{F44}The street works code.]

...
F45

...
F45

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Public Utilities Street Works Act 1950 (repealed 1.1.1993). (See end of Document for details)

Textual Amendments

- F39** Entries relating to the Gasworks Clauses Act 1847 as incorporated with the Electric Lighting Act 1882 by section 12 of that Act, the Electric Lighting Act 1882 and the Schedule to the Electric Lighting (Clauses) Act 1899 repealed by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(3)(4), [Sch. 17 para. 35\(1\)](#), **Sch. 18**
- F40** Entries repealed by [Statute Law \(Repeals\) Act 1978 \(c. 45\)](#), **Sch. 1 Pt. XI**, [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, **Sch. 7 Pt. I** and [Post Office Act 1969 \(c. 48, SIF 96\)](#), **Sch. 8 Pt. I**
- F41** Entry repealed by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, **Sch. 7 Pt. I**
- F42** Entries repealed by [Statute Law \(Repeals\) Act 1978 \(c. 45\)](#), **Sch. 1 Pt. XI**
- F43** Entries repealed by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, **Sch. 7 Pt. I**
- F44** Entries relating to the Water Act 1945 repealed (E.W.) by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), [Sch. 26 paras. 3\(1\)\(2\), 17, 40\(4\), 41\(1\), 57\(6\), 58](#), **Sch. 27 Pt. I**
- F45** Entries repealed by [Town and Country Planning Act 1962 \(c. 38, SIF 123:1\)](#), s. 223, **Sch. 15**, [Town and Country Planning \(Scotland\) Act 1972 \(c. 52, SIF 123:2\)](#), s. 277, **Sch. 23**, [Gas Act 1972 \(c. 60, SIF 44:2\)](#), s. 49, **Sch. 8**, [Water \(Scotland\) Act 1980 \(c. 45, SIF 130\)](#), **Sch. 11** and [Telecommunications Act 1984 \(c. 12,](#)

SIXTH SCHEDULE

POWERS FOR CONSEQUENTIAL MODIFICATION OF SPECIAL ENACTMENTS, AND FOR SAVINGS AS TO CERTAIN PROTECTIONS AND CONSENT REQUIREMENTS

PART I

POWERS

Power to provide for consequential modification of special enactments

- 1 (1) If it appears to the Minister that uncertainty or obscurity has resulted, or is likely to result, from the operation on a special enactment of the general provisions—
- (a) of subsection (3) of section fifteen of this Act for restricting the operation of special enactments which regulate the exercise of powers in relation to which the street works code is to have effect,
 - (b) of subsection (2) of section seventeen thereof for restricting the operation of special enactments as regards the obtaining of consents which that section renders not requisite, or
 - (c) of subsection (2) of section twenty-four thereof for excluding the operation of special enactments in cases in which the code in Part II of this Act is to have effect,
- the Minister may, subject to the provisions of Part II of this Schedule, by order make provision for the express modification, in accordance with the general provisions of that subsection, of the enactment in question.
- (2) The preceding sub-paragraph shall apply to public general enactments for the purposes of their operation as incorporated or applied as mentioned in subsection (3)

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Public Utilities Street Works Act 1950 (repealed 1.1.1993). (See end of Document for details)

of section fifteen of this Act, in subsection (2) of section seventeen or in subsection (2) of section twenty-four thereof, as it applies to special enactments.

Power for saving certain existing protections

- 2 (1) If it appears to the Minister that, by the operation of subsections (2) and (3) of section fifteen of this Act, or of subsections (1) and (2) of section twenty-four thereof (or by the operation of those subsections respectively together with an order under paragraph 1 of this Schedule), an authority, body or person has been or will be deprived of some protection which was afforded to them or him by a special enactment, and that a corresponding protection is in all the circumstances reasonably required in connection with the operation in relation to them or him of the street works code, or of the code in Part II of this Act, as the case may be, the Minister may, subject to the provisions of Part II of this Schedule, by order make provision for affording such corresponding protection to them or him.
- (2) The preceding sub-paragraph shall apply to public general enactments for the purposes of their operation as incorporated or applied as mentioned in subsection (3) of section fifteen of this Act, or in subsection (2) of section twenty-four thereof, as it applies to special enactments.

Powers for savings as to certain consent requirements

- 3 The Minister may, subject to the provisions of Part II of this Schedule, by order provide for saving, notwithstanding anything in subsection (1) of section seventeen of this Act, any requirement of consent imposed by a special enactment or by a public general enactment as incorporated or applied in or by a special enactment with any modification, either as regards all works to which the requirement extends or as regards any class of such works.
- 4 The Minister may, subject to the provisions of Part II of this Schedule, by order provide for rendering valid, notwithstanding anything in subsection (3) of section seventeen of this Act, a provision made by way of condition imposed on the giving of a consent in any respect in which it would otherwise be of no effect by virtue of that subsection.

PART II

PROCEDURE FOR MAKING ORDERS UNDER THIS SCHEDULE

- 5 Where the Minister proposes to make an order under this Schedule, he shall prepare a draft of the order and shall publish in the [^{F46}London][^{F46}Edinburgh] Gazette, and in at least one newspaper circulating in the locality in relation to which the enactment in question has effect, a notice—
- (a) stating the general effect of the proposed order;

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Public Utilities Street Works Act 1950 (repealed 1.1.1993). (See end of Document for details)

- (b) specifying a place in the said locality where a copy of the draft of the order may be inspected by any person free of charge at all reasonable hours or may be purchased by any person at a charge not exceeding [^{F47}5p]; and
- (c) stating that any person may, by notice given to the Minister within three months from the date of the publication of the notice, object to the proposed order.

Textual Amendments

- F46** Word “Edinburgh” substituted (S.) for word “London” by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), [Sch. 9 para. 39\(38\)\(a\)](#)
- F47** Words substituted by virtue of [Decimal Currency Act 1969 \(c. 19, SIF 10\)](#), [s. 10\(1\)](#)

6 Not later than the day on which the said notice is published, or, if it is published on two or more days, the day on which it is first published, the Minister shall furnish each of the parties specified in the Table set out at the end of this Schedule with a copy of the draft of the order.

7 If any objection to the proposed order is received by the Minister from any authority, body or person required to be furnished with a copy of the draft of the order within three months from the date of their or his being furnished therewith, or is received by the Minister from any other person appearing to him to be affected within three months from the day on which the notice of the proposed order is published, or, if it is published on two or more days, from the later or latest of them, and the objection is not withdrawn, he shall cause a local inquiry to be held:

Provided that, in the case of an objection made otherwise than by an authority, body or person required to be furnished with a copy of the draft of the order, the Minister may dispense with such an inquiry if he is satisfied that it is unnecessary.

[^{F48} [^{F49}Subsections (2) to (5) of section 250 of the ^{M2}Local Government Act 1972] (which relate to the giving of evidence at, and defraying of costs of, inquiries) shall apply in relation to a local inquiry held under the last preceding paragraph as they apply in relation to inquiries held under that section:

Provided that subsection (4) of that section (which requires the costs of the department holding the inquiry to be defrayed by the parties thereto) shall not apply in so far as the Minister is of opinion, having regard to the object and result of the inquiry, that the Minister’s costs should be defrayed by him.]

Textual Amendments

- F48** [Sch. 6 para. 8](#) repealed (S.) by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), [s. 156\(3\)](#), [Schs. 10, 11](#)
- F49** Words substituted by virtue of [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), [s. 272\(2\)](#)

Marginal Citations

- M2** [1972 c. 70\(81:1\)](#).

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Public Utilities Street Works Act 1950 (repealed 1.1.1993). (See end of Document for details)

- 9 After considering any objections to the order which are not withdrawn, and, where a local inquiry is held, the report of the person who held the inquiry, the Minister may make the order either without modification or subject to such modifications as he thinks fit.
- 10 If any objection is duly made by any authority, body or person required to be furnished with a copy of the draft of the order and is not withdrawn, the order shall be subject to special parliamentary procedure.

TABLE

PARTIES TO BE FURNISHED WITH COPIES OF DRAFTS OF ORDERS UNDER THIS SCHEDULE

- (i) In the case of an order under paragraph 1 for the modification of an enactment which regulates the exercise of a power in relation to which the street works code is to have effect—

On the undertakers by whom the power is exercisable, and on each authority, body or person who would in any circumstances be an authority or managers concerned in relation to code-regulated works executed in a [^{F50}street][^{F50}road] in exercise of the power.

Textual Amendments

F50 Word “road” substituted (S.) for word “street” by [Roads \(Scotland\) Act 1984 \(c. 50, SIF 108\)](#), [Sch. 9 para. 39\(38\)\(b\)\(i\)](#)

- (ii) In the case of an order under paragraph 1 for the modification of an enactment as regards the obtaining of a consent—

On the authority, body or person whose consent would be required but for section seventeen of this Act and on the undertakers who would be required to obtain the consent.

- (iii) In the case of an order under paragraph 1 for the modification of an enactment proposed to be modified on the ground of the result, or likely result, of the operation of the general provisions of subsection (2) of section twenty-four of this Act on the enactment—

On each of the parties (whether a [^{F51}local highway authority] mentioned in subsection(1) of section twenty-one of this Act, [^{F51}local roads authority] or a bridge authority or managers or a transport authority having power to execute authority’s works within the meaning of that section, or undertakers having apparatus liable to be affected by such works) relations between whom in connection with such works and apparatus are regulated by the enactment.

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Public Utilities Street Works Act 1950 (repealed 1.1.1993). (See end of Document for details)

Textual Amendments

- F51** Words “local roads authority” substituted (S.) for words “[local highway authority] mentioned in subsection 1 of section twenty-one of this Act,” by virtue of [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), [Sch. 9 para. 39\(38\)\(b\)\(ii\)](#)
- F52** Words substituted (E.W.) by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), [Sch. 21 para. 98\(6\)](#)

- (iv) In the case of an order under paragraph 2 relating to a protection afforded by an enactment—

On each of the parties on whom service would have been required under head (i) or (iii) of this Table if the order had been one under paragraph 1 for the modification of the enactment, and on any other authority, body or person to whom the protection in question was afforded by the enactment.

- (v) In the case of an order under paragraph 3 or 4—

On each of the parties on whom service would have been required under head (ii) of this Table if the order had been one under paragraph 1 for the modification of an enactment as regards the obtaining of the consent.

SEVENTH SCHEDULE

APPLICATION TO LONDON

Modifications etc. (not altering text)

- C3** This Schedule may have been affected by private and local Acts which have not been noted

- 1 Section one of this Act shall not apply—
- (a) to any statutory power to execute undertakers’ works in so far as it is exercisable in a subway to which the ^{M3}London County Council (Subways) Act 1893, applies or in public service works constructed under Part V of the ^{M4}City of London (Various Powers) Act 1900;
 - (b) to a power to execute undertakers’ works [^{F53}in default of their execution by the undertakers conferred] by section three of the London County Council (Subways) Act 1893, or conferred on the Common Council of the City of London by section thirty-three of the City of London (Various Powers) Act 1900.

Textual Amendments

- F53** Words substituted by [London Government Act 1963 \(c. 33, SIF 81:1\)](#), [s. 19\(4\)](#)

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Public Utilities Street Works Act 1950 (repealed 1.1.1993). (See end of Document for details)

Marginal Citations

- M3** 1893 c. ccii.
- M4** 1900 c. ccxxviii.

F54

2—4.

Textual Amendments

- F54** Sch. 7 paras. 2—4 repealed by London Government Act 1963 (c. 33, SIF 81:1), s. 93, **Sch. 18 Pt. II**

F55

5

Textual Amendments

- F55** Sch. 7 paras. 5, 7(1) repealed by Local Government Act 1972 (c. 70, SIF 81:1), **Sch. 30**

6 For the purposes of the operation of the Third Schedule to this Act in relation to a street or controlled land in [^{F56}any part of London other than an outer London borough], the power thereby conferred on a street authority or street managers to elect to do reinstatement and making good after the completion of code-regulated works shall extend to a case in which the works fall within the exception contained in paragraph 1 of that Schedule as to certain works relating to service pipes or service lines or [^{F57}overhead telecommunication apparatus], and that exception shall not apply.

Textual Amendments

- F56** Words substituted by London Government Act 1963 (c. 33, SIF 81:1), s. 19(6)
- F57** Words substituted by Telecommunications Act 1984 (c. 12, SIF 96), Sch. 4 para. 29(4)(a), **Sch. 5 para. 45**

7 (1) ^{F58}

(2) Part II of this Act and the Fourth Schedule thereto shall not apply to apparatus of undertakers in a subway to which the ^{M5}London County Council (Subways) Act 1893, applies or in public service works constructed under Part V of the ^{M6}City of London (Various Powers) Act 1900.

Textual Amendments

- F58** Sch. 7 paras. 5, 7(1) repealed by Local Government Act 1972 (c. 70, SIF 81:1), **Sch. 30**

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Public Utilities Street Works Act 1950 (repealed 1.1.1993). (See end of Document for details)

Marginal Citations

- M5** 1893 c. ccii.
M6 1900 c. ccxxviii.

- 8 (1) Undertakers shall not, in the execution of any code-regulated works other than emergency works or works relating only to a service pipe or service line or an [^{F59}overhead telecommunication apparatus], break up or open a highway in the Metropolitan or the City of London police district that is part of a special road, a trunk road or a classified road so as to reduce the width of the carriageway available for vehicular traffic to less than two-thirds of the width thereof, unless they have, more than fourteen days before the date on which any breaking up or opening of the highway for the purposes of those works was begun, given notice to the Police stating the place of the intended breaking up or opening and the date intended for beginning it.

In this paragraph the expression “ the Police” means the Commissioner of City of London police in the case of a highway in the City of London police district, or the Commissioner of Police of the Metropolis in the case of a highway in the Metropolitan police district.

- (2) If undertakers break up or open a highway in contravention of the preceding subparagraph they shall be liable on summary conviction to a fine not exceeding [^{F60}level 3 on the standard scale].
- (3) Where pursuant to an election under subsection (1) of section ten of this Act a transport authority do the initial breaking up or opening of such a highway as aforesaid, the preceding provisions of this paragraph shall have effect with the substitution of references to the transport authority for references to the undertakers.

Textual Amendments

- F59** Words substituted by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), Sch. 4 para. 29(4)(b), **Sch. 5 para. 45**
F60 Words substituted (E.W.) (S.) by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46** and (S.) by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F, 289G**

^{F61}

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Textual Amendments

- F61** [Sch. 7 para. 9](#) repealed by [London Government Act 1963 \(c. 33, SIF 81:1\)](#), s. 93, **Sch. 18 Pt. II**

Status:

Point in time view as at 01/02/1991.

Changes to legislation:

There are currently no known outstanding effects for the Public Utilities Street Works Act 1950 (repealed 1.1.1993).