

*Status: Point in time view as at 01/02/1991.*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to legislation: There are currently no known outstanding effects for the Public Utilities Street Works Act 1950 (repealed 1.1.1993), Cross Heading: Definition of “Controlled Land”. (See end of Document for details)*

## SCHEDULES

### FIRST SCHEDULE

#### 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 [<sup>F1</sup>street which is a maintainable highway or is prospectively a maintainable highway][<sup>F1</sup>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 [<sup>F2</sup>street][<sup>F2</sup>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
  - [<sup>F3X1</sup>(c) lies between the boundary of the street and an improvement line prescribed under [<sup>F4</sup>section 73 of the <sup>M1</sup>Highways Act 1980], or under that section as applied by any other enactment, or under any corresponding provision in a special enactment.]
  - [<sup>F3X1</sup>(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).

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