

## SCHEDULE 3

Article 3

### FUNCTIONS CONFERRED BY MISCELLANEOUS ENACTMENTS

1. Functions conferred on the Secretary of State or a local highway authority, as the highway authority for a highway, by or under section 153(1) of the Public Health Act 1875(2) (power to require gas and water pipes to be moved).

2. Functions conferred on the Secretary of State or a local highway authority, as the highway authority for a highway, by or under section 14(3) of the Public Health Act 1925(4) (public drinking fountains, seats, etc, in streets).

3. Functions conferred on the Secretary of State or a local highway authority, by or under section 5(1) or (2) of the Local Government (Miscellaneous Provisions) Act 1953(5) (consents to exercise of powers under section 4 (provision of omnibus shelters, etc)).

4. Functions conferred on the Secretary of State or a local highway authority, by or under section 5(1) or (2) of the Parish Councils Act 1957(6) (provisions as to consents and access).

5. Functions conferred on the Secretary of State or a local highway authority, as the highway authority for a highway, by or under any of the following provisions of the Public Health Act 1961(7)—

- (a) section 45 (attachment of street lamps to buildings); and
- (b) section 81(8) (summary recovery of damages for negligence).

6. Functions conferred on the Secretary of State or a local highway authority, by or under section 5(6) of, and Schedule 1 to, the Litter Act 1983(9) (litter bins in England and Wales).

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- (1) Section 153 is to be read with section 180 of, and paragraphs 23 and 29 of Schedule 14 to, the Local Government Act 1972 (c.70).
  - (2) 1875 c.55 (38 and 39 Vict).
  - (3) Section 14 is to be read with section 180 of, and paragraphs 23 and 28 of Schedule 14 to, the Local Government Act 1972 (c.70).
  - (4) 1925 c.71.
  - (5) 1953 c.26. All functions of a Minister of the Crown under this Act (“the 1953 Act”), except under section 8(3), so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2 and Schedule 1. Following the repeal of the Government of Wales Act 1998 (c.38), sections 22 and 155(2), that Order has effect as if made under the Government of Wales Act 2006 (c.32) (“the 2006 Act”), sections 58 and 158(3), by virtue of Schedule 11, paragraph 26(1) and (3), to that Act. The functions of the National Assembly for Wales under the 1953 Act are transferred to the Welsh Ministers by virtue of the 2006 Act, Schedule 11, paragraph 30. Section 4(4) of the 1953 Act was amended by the Transport Act 1980 (c.34), section 43 and Schedule 5, Part II and by the Public Passenger Vehicles Act 1981 (c.14), section 88 and Schedule 7, paragraph 1.
  - (6) 1957 c.42. Section 5(1) of this Act (“the 1957 Act”) was amended by the Road Traffic Act 1960 (c.16), section 267(1) and Schedule 18 and by the Local Government Act 1985 (c.51), section 8 and Schedule 4, Part II, paragraph 49. The Minister of Transport and Civil Aviation referred to in section 5(1) is now the Secretary of State (S.I. 1981/238). All functions of a Minister of the Crown under the 1957 Act, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2 and Schedule 1. Following the repeal of the Government of Wales Act 1998 (c.38), sections 22 and 155(2), that Order has effect as if made under the Government of Wales Act 2006 (c.32) (“the 2006 Act”), sections 58 and 158(3), by virtue of Schedule 11, paragraph 26(1) and (3), to that Act. The functions of the National Assembly for Wales under the 1957 Act are transferred to the Welsh Ministers by virtue of the 2006 Act, Schedule 11, paragraph 30.
  - (7) 1961 c.64. Sections 45 and 81 of this Act (“the 1961 Act”) are to be read with section 97(4) of the Highways Act 1980 (c.66). All functions of a Minister of the Crown under the 1961 Act, except functions exercisable as the appropriate authority under section 45 and Schedule 4 in respect of certain descriptions of buildings, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2 and Schedule 1. That Order has effect as set out in footnote (i) on page 10 and the functions of the National Assembly for Wales under the 1961 Act are transferred to the Welsh Ministers in the same manner as set out in that footnote.
  - (8) Section 81 was partially repealed by the Local Government Act 1985 (c.51), section 102(2) and Schedule 17.
  - (9) 1983 c.35. All functions of a Minister of the Crown under this Act, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2 and schedule 1. That Order has effect as set out in footnote (i) on page 10 and the functions of the National Assembly for Wales under this Act are transferred to the Welsh Ministers in the same manner as set out in that footnote.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

7. Functions conferred on the Secretary of State or a local highway authority, as the highway authority for a highway, by or under section 72(1) of the Road Traffic Regulation Act 1984<sup>(10)</sup> (powers exercisable by parish or community councils).

8. Functions conferred on the Secretary of State or a local highway authority, as the highway authority for a highway, by or under section 4 (provision of barriers in cycle tracks, etc) or 5(1) (compensation) of the Cycle Tracks Act 1984<sup>(11)</sup>.

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(10) 1984 c.27. Subject to a number of exceptions that are not relevant for the purposes of these Regulations, all functions of a Minister of the Crown under this Act (“the 1984 Act”), so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2 and Schedule 1. That Order has effect as set out in footnote (i) on page 10 and the functions of the National Assembly for Wales under the 1984 Act are transferred to the Welsh Ministers in the same manner as set out in that footnote.

(11) 1984 c.38.