

SCHEDULE 20
CONTRACTED OUT FUNCTIONS OF THE SECRETARY OF STATE

1. Subject to paragraph 5, the functions conferred on the Secretary of State as Highway Authority for the Project Road in relation to the Project Road by or under any of the following provisions of the Highways Act:
 - 1.1 Section 115H(1) (prohibition on exercise of certain of a council's powers without consent of the Highway Authority);
 - 1.2 Section 133 (damage to footways of streets by excavation);
 - 1.3 Sections 139(1) and (2) (prohibition on deposit of builders' skips without permission of the Highway Authority);
 - 1.4 Section 140(2) (Highway Authority's power to require owner of builder's skip to remove or reposition it);
 - 1.5 Section 141(2) (Highway Authority's power by notice to require removal of tree or shrub in or near carriageway);
 - 1.6 Section 167(2), (5), (6) (consultation with Highway Authority and Highway Authority's power to give notices in relation to retaining walls near streets);
 - 1.7 Section 169(1), (2), (3) and (4) (power of Highway Authority to license, and give directions in relation to, scaffolding or other structures obstructing the highway);
 - 1.8 Section 171 (control of deposit of building materials and making of excavations in streets) except insofar as the functions conferred by or under Section 171(7) relate to the removal of property of any person; and
 - 1.9 Section 178(1) (prohibition on placing rails, beams etc over highways without consent of the Highway Authority).
2. Subject to paragraph 5, the functions conferred on the Secretary of State by or under Sections 112(3) and (5) of the Highways Act (management of trunk road picnic areas and public sanitary conveniences) except insofar as the functions in subsection (5) relate to the provision of public sanitary conveniences.
3. Subject to paragraph 5, the functions conferred on the Secretary of State as competent authority, by virtue of his being Highway Authority for the Project Road, by or under any of the following provisions of the Highways Act:
 - 3.1 Section 143(1) (competent authority's power to give notice requiring removal of structures from highways);
 - 3.2 Section 154(1) and (2) (competent authority's power to give notice requiring removal of overhanging hedge, tree or shrub); and
 - 3.3 Section 185 (competent authority's power to install etc refuse or storage bins in streets).

4. The functions conferred on the Secretary of State as Highway Authority for the Project Road by or under the following provisions of the Walkways Regulations 1973:
 - 4.1 Regulation 3(1) (prohibition on exercise of certain powers conferred on Highway Authority in relation to walkways without consent of building owner) insofar as such Regulation has effect in relation to a statutory provision listed in this Schedule 20;
 - 4.2 Regulation 4(1) (prohibition on placing etc of apparatus of statutory undertakers without consent of Highway Authority and building owner);
 - 4.3 Regulation 5(3) (prohibition on temporary closure of walkway until expiry of a specified period from the date of notice to the Highway Authority and others); and
 - 4.4 Regulation 6 (stopping up of walkway by building owner).
5. Paragraphs 1 to 3 above shall be subject to the following:
 - 5.1 Paragraphs 1 to 3 above shall not include:
 - (a) any functions conferred by or under section 294 of the Highways Act (entry of premises by Highway Authority or council for certain purposes); or
 - (b) any function to the extent that the function confers a power or right of entry into or on any premises or land of which the Secretary of State for Transport is not the owner or occupier.
 - 5.2 Where section 338 or 339 of the Highways Act (saving for works etc of dock, harbour and canal undertakers and saving for works etc of drainage authorities etc) applies to the exercise of any functions listed in paragraphs 1 to 4 above, those functions shall be construed as including any additional requirements imposed by those sections.
6. The functions conferred on the Secretary of State as Highway Authority for the Project Road by or under section 153 of the Public Health Act 1875 (power to require gas and water pipes to be moved).
7. The functions conferred on the Secretary of State as Highway Authority for the Project Road by or under section 14 of the Public Health Act 1925 (consent of Highway Authority required for the provision of public drinking fountains, seats etc in streets).
8. The functions conferred on the Secretary of State by or under sections 5(1) and (2) of the Local Government (Miscellaneous Provisions) Act 1953 (prohibition on the provision of omnibus shelters etc except with the consent of the Highway Authority and other persons).
9. The functions conferred on the Secretary of State by or under sections 5(1) and (2) of the Parish Councils Act 1957 (prohibition on the provision of seats, shelves, lamps etc in roads except with the consent of specified persons).

10. The functions conferred on the Secretary of State by or under section 5(6) of, and Schedule 1 to, the Litter Act 1983 (consent of the Secretary of State required for works in relation to litter bins).
11. The functions conferred on the Secretary of State as Highway Authority for the Project Road by or under section 72(1) of the Road Traffic Regulation Act 1984 (provision of traffic signs on or near a road with the permission of the Highway Authority).

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