
STATUTORY INSTRUMENTS

1996 No. 878 (S.99)

CONTRACTING OUT

The Secretary of State's Trunk Road Functions
(Contracting Out) (Scotland) Order 1996

Made - - - - *15th March 1996*
Coming into force - - *16th March 1996*

The Secretary of State, in exercise of the powers conferred on him by section 69 of the Deregulation and Contracting Out Act 1994⁽¹⁾, and of all other powers enabling him in that behalf, hereby makes the following Order, a draft of which has been laid before and approved by resolution of each House of Parliament:

Citation, commencement and extent

1. This Order may be cited as the Secretary of State's Trunk Road Functions (Contracting Out) (Scotland) Order 1996, shall extend to Scotland only and shall come into force on the day after the date on which it is made.

Contracting out of functions

2. Any function of the Secretary of State specified in the Schedule to this Order may be exercised by, or by employees of, such persons (if any) as may be authorised in that behalf by the Secretary of State.

St Andrew's House,
Edinburgh
15th March 1996

James Douglas-Hamilton
Minister of State, Scottish Office

(1) 1994 c. 40; see section 79(1) for the definition of "Minister".

Status: This is the original version (as it was originally made).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

SCHEDULE

Article 2

FUNCTIONS WHICH MAY BE CONTRACTED OUT

1. The function of the Secretary of State as roads authority conferred by or under section 2 of the Local Government (Omnibus Shelters and Queue Barriers) (Scotland) Act 1958(2) (power of roads authority to consent to provision of omnibus shelters etc on roads) in relation to giving and withholding consent and attaching conditions to any consent.

2. The function of the Secretary of State as roads authority conferred by or under section 25(2) of the Water (Scotland) Act 1980(3) (power of roads authority to consent to provision of drinking fountains or troughs on roads) in relation to giving and withholding consent.

3. The function of the Secretary of State as a person having an interest in land as roads authority conferred by or under section 7(4) of the Litter Act 1983(4) (power of persons having an interest in land to consent to placing litter bins thereon) in relation to giving and withholding consent and arranging terms of any consent.

4. The function of the Secretary of State as traffic authority conferred by or under section 65(1) of the Road Traffic Regulation Act 1984(5) (power of traffic authority to place traffic signs on or near roads) in relation to the power to cause or permit traffic signs to be placed on or near a road.

5. The functions of the Secretary of State as roads authority conferred by or under the following provisions of the Roads (Scotland) Act 1984(6):—

- (a) section 2(1) (powers and duties of the Secretary of State with respect to trunk roads etc);
- (b) section 4(1) (power of the Secretary of State to enter into agreements with local roads authorities for them to carry out his functions as roads authority for trunk roads etc) but only for carrying out those roads authority functions specified in sub-paragraph (a) above and sub-paragraphs (c) to (aj) below;
- (c) section 24 (power of roads authority to alter levels of roads);
- (d) section 25 (duty of roads authority to provide footways);
- (e) section 28 (power of roads authority to provide fences etc to safeguard users of roads);
- (f) section 29 (further provisions as to fences etc);
- (g) section 30 (power of roads authority to provide barriers or other works for protecting roads against hazards of nature);
- (h) section 34 (duty of roads authority with respect to snow and ice on roads);
- (i) section 35(7) (power of roads authority to provide lighting for roads);
- (j) section 50 (power of roads authority to plant trees, shrubs etc within road boundary);
- (k) section 51 (power of roads authority to consent to persons planting trees, shrubs etc within road boundary);
- (l) section 56(8) (power of roads authority to consent to works and excavations in roads);
- (m) section 57(9) (power of roads authority with respect to dangerous works in roads);

(2) 1958 c. 50; section 2 was amended by the Roads (Scotland) Act 1984 (c. 54), Schedule 9, paragraph 48(3).

(3) 1980 c. 45; section 25(2) was amended by the Roads (Scotland) Act 1984, Schedule 9, paragraph 81(7) and by the Local Government etc. (Scotland) Act 1994 (c. 39), Schedule 13, paragraph 119(15)(b).

(4) 1983 c. 35.

(5) 1984 c. 27; section 65(1) was substituted by the New Roads and Street Works Act 1991 (c. 22) (“the 1991 Act”), Schedule 8, paragraph 48(2).

(6) 1984 c. 54.

(7) Section 35(2)(a) was amended by the 1991 Act, Schedule 8, paragraph 81.

(8) Section 56(3) was amended by the 1991 Act, Schedule 8, paragraph 83.

(9) Section 57(5) was amended by the 1991 Act, Schedule 8, paragraph 84.

- (n) section 58 (power of roads authority to permit occupation of parts of roads for deposit of building materials etc);
- (o) section 59(**10**) (power of roads authority with respect to obstructions in roads);
- (p) section 60(**11**) (power of roads authority to fence and light obstructions and excavations in roads on default of person required to do so and to recover the expenses thereof);
- (q) section 61(**12**) (power of roads authority to give permission to place and maintain etc appliances in roads);
- (r) section 63 (power of roads authorities with respect of new accesses over verges and footways);
- (s) section 64 (power of roads authority to consent to statutory undertakers using appliances or vehicles on footways, footpaths and cycle tracks);
- (t) section 66 (power of roads authorities with respect to maintenance of vaults and cellars etc under roads);
- (u) section 67 (power of roads authority with respect to doors etc opening outwards into roads);
- (v) section 85(**13**) (power of roads authority to permit deposit of builders' skips on roads);
- (w) section 86 (power of roads authority to remove or reposition builders' skips and to recover the expenses thereof);
- (x) section 87 (power of roads authority with respect to unauthorised structures erected on roads);
- (y) section 88 (power and duty of roads authority with respect to projections impeding or endangering road users);
- (z) section 89 (power and duty of roads authority with respect to accidental obstructions in roads);
- (aa) section 90 (power of roads authority to consent to placing bridges, beams, rails, pipes, cables etc over roads);
- (ab) section 91 (power of roads authority to prevent danger to roads from nearby vegetation and fences etc or from inadequate retaining walls) except sub-section (5);
- (ac) section 92 (power of roads authority with respect to trees etc planted within 5 metres of edge of carriageways);
- (ad) section 93 (power of roads authority to protect road users from roadside dangers);
- (ae) section 94(1)(a) (power of roads authority, with consent of owners and occupiers, to fill in unnecessary roadside ditches);
- (af) section 95 (power of roads authority to recover expenses of removing mud etc deposited from vehicles onto roads so as to be dangerous);
- (ag) section 98(**14**) (power of roads authority with respect to stray and other animals on roads);
- (ah) section 99 (power of roads authority with respect to the prevention of flow of water etc onto roads);
- (ai) section 120 (duty of road authority to have regard to the needs of disabled and blind persons when executing works etc in roads);

(10) Section 59(6) was amended by the 1991 Act, Schedule 8, paragraph 85.

(11) Section 60 was amended by the 1991 Act, Schedule 8, paragraph 86.

(12) Section 61 was amended by the Electricity Act 1989 (c. 29), Schedule 16, paragraph 30, and by the 1991 Act, Schedule 8, paragraph 87.

(13) Section 85(1) was amended by the 1991 Act, Schedule 8, paragraph 89.

(14) Section 98(1) was amended by the Natural Heritage (Scotland) Act 1991 (c. 28), Schedule 10, paragraph 11(3).

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- (aj) section 141 (power of roads authority to execute works etc on default of person required to do so) but only in relation to those functions specified in the foregoing sub-paragraphs of this paragraph.

6. The functions of the Secretary of State as road works authority conferred by or under the following provisions of the New Roads and Street Works Act 1991⁽¹⁵⁾:—

- (a) section 109 (power of road works authority to permit execution of works and power to substitute existing permission with new one);
- (b) section 112⁽¹⁶⁾ (duty of road works authority to keep a roads works register);
- (c) section 115 (power of road works authority to give directions as to timing of road works);
- (d) section 117 (power of road works authority to restrict road works following substantial works carried out for road purposes);
- (e) section 118 (duty of road works authority to co-ordinate execution of works of all kinds on roads);
- (f) section 122 (power of road works authority to designate roads as having special engineering difficulties);
- (g) section 123 (power of road works authority to designate roads as traffic sensitive);
- (h) section 131 (power of road works authority with respect to reinstatement of roads by undertakers).

7. The function of the Secretary of State conferred by or under section 150 of the Local Government etc. (Scotland) Act 1994⁽¹⁷⁾ (power of the Secretary of State to place mandatory traffic signs on roads in extraordinary circumstances).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order empowers the Secretary of State to contract out certain of his functions in relation to trunk roads so that these may be exercised by such persons as he may authorise.

The functions which may be contracted out are specified in the Schedule to this Order.

⁽¹⁵⁾ 1991 c. 22.

⁽¹⁶⁾ Section 112 was amended by the Local Government etc. (Scotland) Act 1994 (c. 39), section 149.

⁽¹⁷⁾ 1994 c. 39.