



Trunk Roads Act 1936

1936 CHAPTER 5

12 Application to Scotland.

- (1) The provisions of this section shall have effect for the purpose of the application of this Act to Scotland.
- (2) (a) " County borough " means a large burgh as defined in the Local Government (Scotland) Act, 1929, and references to boroughs and to urban districts and the councils thereof shall not apply :

Provided that in subsection (2) of section three and subsection (8) of section six of this Act for any reference to a borough or urban district there shall be substituted a reference to a burgh.
- (b) " County road " and " county bridge " mean respectively a road and a bridge for the maintenance and management of which a county council is responsible.
- (c) " Local authority " means a county or town council.
- (d) References to the thirty-first day of March and to the first day of April shall be construed respectively as references to the fifteenth and to the sixteenth day of May.
- (3) For any reference to the Local Government Act, 1929, there shall be substituted a reference to the Local Government (Scotland) Act, 1929.
- (4) In any provision directed by this Act to be substituted for or to be inserted in any other enactment, for any reference to the Town Planning Act, 1925, there shall be substituted a reference to the Town Planning (Scotland) Act, 1925, and for any reference to the Town and Country Planning Act, 1932, there shall be substituted a reference to the Town and Country Planning (Scotland) Act, 1932.
- (5) Paragraph (e) of section twelve of the Roads Improvement Act, 1925, in so far as it requires the consent of a town council to the prescribing of a building line shall not apply as regards a trunk road.
- (6) No appeal shall lie under section one hundred and thirty-two of the Burgh Police (Scotland) Act, 1892, against any terms or conditions arranged by the Minister which he declares to be necessary for the purpose of securing the safety of persons using the trunk road or of preventing interference with traffic on the road.

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- (7) Subsection (3) of section one of this Act shall have effect as if in paragraph (b) thereof for the words " the part of the trunk road to be so superseded as aforesaid shall become a county road " there were substituted the words " the Minister shall cease to be the highway " authority for the part of the trunk road to be so " superseded as aforesaid ".
- (8) When in pursuance of subsection (3) of section one of this Act as modified by the last foregoing subsection the Minister has ceased to be the highway authority for any part of a trunk road, the highway authority for the said part shall be such local authority as would have been responsible for the maintenance and management thereof, if the road had never become a trunk road and the provisions of any Act regarding the functions of local authorities in relation to the said part shall have effect accordingly.
- (9) The proviso to subsection (1) of section four of this Act shall not apply.
- (10) For subsection (1) of section five of this Act the following subsection shall be substituted:—
- “(1) The Minister may by agreement with the council of any county delegate to that council all or any of his functions (including functions under the enactments mentioned in Part I of the Third Schedule to this Act) with respect to the maintenance, repair and improvement of, and other dealing with—
- (a) a trunk road within the county or within any burgh situate therein; or
- (b) a trunk road within any other county or burgh situate therein, if the council of that county consent.”
- (11) Subsection (4) of section five of this Act shall have effect as if for the councils of county districts there were substituted the following bodies, that is to say, any town council, district council, joint committee of a town council and district council or county council of one of two counties forming a combined county, who would, but for this Act, be entitled by virtue of delegation under section thirteen or section ten of the Local Government (Scotland) Act, 1929, to exercise on the sixteenth day of May, nineteen hundred and thirty-seven, any functions regarding a road which becomes a trunk road.
- (12) Any power conferred by the Local Government (Scotland) Act, 1929, on a county council to delegate functions to a town council or a district council or a joint committee of a town council and a district council, or in the case of a joint county council, to the county council of one of the two counties forming the combined county shall, as regards functions delegated to or vested in a county council by or under this Act, be exercisable with the consent of the Minister and not otherwise.
- (13) Nothing in subsection (1) of section seven of this Act shall be construed as transferring to the Minister any dwellings for road workmen provided or erected by a county council in pursuance of paragraph (c) of subsection (1) of section three of the Local Government (Scotland) Act, 1908.
- (14) Any dispute or difference which, by subsection (4) of section seven of, or paragraph 8 of the Fifth Schedule to, this Act, is required to be determined by arbitration shall be determined by a single arbiter appointed, in default of agreement, by the Court of Session or the sheriff on the application of either party to the dispute or difference.
- (15) For subsection (2) of section nine of this Act the following subsection shall be substituted:—

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“(2) Subsection (1) of section seventy-five of the Local Government (Scotland) Act, 1889, in so far as it requires payments out of the county fund to be made in pursuance of an order of the council signed by three members of the finance committee and countersigned by the county clerk, and subsection (2) of the said section, in so far as it relates to payment of sums out of the county fund or the incurring of expenses, debt or liability exceeding fifty pounds shall not apply to payments made or liabilities incurred by a county council as agents for the Minister under this Act.”

(16) Subsection (3) of section nine of this Act shall not apply.

(17) For subsection (1) of section ten of this Act the following subsection shall be substituted:—

“(1) The Minister may hold an inquiry in connection with any matter as to which he is authorised to act under this Act, and the provisions of subsections (1) and (3) of section ninety-three of the Local Government (Scotland) Act, 1889, shall apply to any such inquiry as they apply to local inquiries held under that section, subject, however, to the following and any other necessary modifications:—

- (a) references to the Minister, and to a person appointed by the Minister, shall be respectively substituted for references to the Secretary for Scotland and to a person nominated by a writing under his hand;
- (b) references to authorities concerned in the inquiry shall include references to parties to the inquiry;
- (c) ' five guineas' shall be substituted for ' three guineas';
- (d) the Minister may make orders as to the costs of the parties to the inquiry and as to the parties by whom such costs shall be paid.”

(18) A reference in any provision of this Act to the Third Schedule shall have effect as if there were included—

- (a) in Part II of the said Schedule the following enactments:—

sections one hundred and fifty-nine, one hundred and sixty, and one hundred and ninety of the Burgh Police (Scotland) Act, 1892: provided that for any reference in the last mentioned section to the surveyor, a reference to the Minister shall be substituted;
- (b) in Part III of the said Schedule the following enactments:—
 - (i) sections one hundred and ten, one hundred and thirty, two hundred and sixty-six and two hundred and seventy-three of the Burgh Police (Scotland) Act, 1892;
 - (ii) section fourteen of the Burgh Police (Scotland) Act, 1903.

(19) The Fourth Schedule to this Act shall have effect as if the following paragraph were added at the end:—

“10 Paragraph (7) of section twenty-five of the said Act shall apply with the substitution for sub-paragraph (i) thereof of the following provisions—

- (a) for references to the Department of Health for Scotland and to the responsible authority there shall be substituted references to the Minister;
- (b) for references to an order made by a responsible authority and confirmed by the aforesaid Department there shall be substituted

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references to an order made by the Minister, and for references to the making of an order there shall be substituted references to the preparing of a draft order, and for references to the submitting of an order to, or the confirming of an order by, the aforesaid Department there shall be substituted references to the making of an order by them.”