



Trunk Roads Act 1936

1936 CHAPTER 5

7 **Transfer of property and liabilities.**

- (1) When a road becomes a trunk road, then, subject to the provisions of this section, of the property which immediately before the date on which the road became a trunk road was vested in the former highway authority for the purposes of their functions in relation to the road or in any local authority for the purposes of functions in relation to the road under any of the enactments mentioned in Part I of the Third Schedule to this Act, there shall, as from that date, be transferred to, and vest in, the Minister, by virtue of this section, the following property, that is to say:—
- (a) the road and any land (not being land vested in the former highway authority for the purpose of being used for the storage of materials required wholly or partly for the maintenance, repair or improvement of other roads or land acquired for the improvement or development of frontages or of land abutting on or adjacent to the road);
 - (b) all other property (except materials to be used for the maintenance, repair or improvement of the road) including the unexpended balances of any grants paid by the Minister to any such authority for the purposes of their functions in relation to the road but not of any loans raised by any such authority for those purposes; and

there shall also as from that date be transferred to the Minister by virtue of this section all liabilities incurred by any such authority for the purposes aforesaid (except loans and loan charges) and not discharged before the said day:

Provided that there shall not be transferred to, or vest in, the Minister by virtue of this section any right or liability in respect of work done, services rendered, goods delivered, or money due for payment, before the said date, or in respect of damages or compensation for any act or omission before that date, or in respect of the price of, or compensation for, any land purchased, or for which a contract to purchase has been made, before that date.

- (2) Any property vested in the Minister by virtue of this section shall be held by him subject to all covenants, conditions and restrictions subject to which the property was held by the authority from whom it was transferred and to all liabilities affecting the property (except liabilities referred to in the proviso to the last foregoing subsection).

Status: This is the original version (as it was originally enacted).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

- (3) The Minister may enter into an agreement with the former highway authority that any property or liabilities (except loans and loan charges), acquired or incurred by the former highway authority for the purposes of their functions in relation to a road which has become a trunk road, not being property or liabilities transferred to him by this section, shall be transferred to him upon the terms provided in the agreement, or that any property or liabilities transferred to him by this section shall be transferred back to the authority.
- (4) Any dispute arising between the Minister and any authority or person as to the property or liabilities transferred under this section shall be determined by arbitration.
- (5) The provisions of this section shall apply in a case where a road ceases to be a trunk road in like manner as they apply where a road becomes a trunk road, with the substitution for the references to the former highway authority and to any local authority of references to the Minister, and for references to the Minister of references to the council which becomes the highway authority for the road or, so far as relates to property and liabilities vested in or incurred by the Minister for the purposes of any functions under the enactments mentioned in Part I of the Third Schedule to this Act, to the local authority which is to exercise those functions in relation to the road.