



# Trunk Roads Act 1946

## 1946 CHAPTER 30

### **1 Additional trunk roads and reorganisation of trunk road system**

- (1) Subject to the provisions of this Act, the roads specified in the First Schedule to this Act shall become trunk roads as from the first day of April, nineteen hundred and forty-six.
- (2) The Minister shall keep under review the national system of routes for through traffic in Great Britain, and if he is satisfied, after taking into consideration the requirements of local and national planning, including the requirements of agriculture, that it is expedient for the purpose of extending, improving or reorganising that system that any existing road, or any road proposed to be constructed by him, should become a trunk road, or that any trunk road should cease to be a trunk road, he may by order direct that that road shall become, or as the case may be shall cease to be, a trunk road as from such date as may be specified in that behalf in the order.
- (3) Section two of the principal Act (which excludes from the roads that are trunk roads under that Act roads in London and roads in county boroughs) shall cease to have effect, except as respects roads in the City of London :

Provided that, without prejudice to the provisions of subsection (1) of this section or to any order made under subsection (2) of this section, no road which was not a trunk road immediately before the commencement of this Act shall become a trunk road by virtue only of this subsection.

- (4) Subject to the provisions of this Act, the principal Act shall apply in relation to roads which become or cease to be trunk roads by virtue of this section, or of any order made thereunder, as it applies in relation to roads becoming or ceasing to be trunk roads under that Act.

### **2 General provisions as to orders under section I**

- (1) The provisions of the Second Schedule to this Act shall be complied with in connection with the making of an order under subsection (2) of section one of this Act; and if objection to the order is duly made in accordance with the provisions of the said Schedule by a council who are responsible for the maintenance of any road to which

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the order relates, or who will become so responsible by virtue of the order, and is not withdrawn, the order shall be provisional only and shall be subject to special parliamentary procedure.

- (2) Where any such order directs that an existing road shall become a trunk road, or that a road shall cease to be a trunk road, the date to be specified in that behalf in the order shall be the first day of April next after the date on which the order takes effect, or, where the order directs both that a road shall cease to be a trunk road and that a road proposed to be constructed by the Minister on a new route in substitution therefor shall become a trunk road, the first day of April next after the date on which notice is given by the Minister to the council who will become responsible for the maintenance of the first-mentioned road that the new route is opened for the purposes of through traffic.
- (3) Where any such order directs that a road shall cease to be a trunk road, then, as from the date specified in that behalf in the order, the following authority, that is to say—
- (a) where the road is situated within a rural district, a county borough or a metropolitan borough, the council of the county comprising that district or the council of the county borough or metropolitan borough, as the case may be ;
  - (b) where the road is situated within any other borough or within an urban district, the council of the county comprising that borough or district, or the council of the borough or district, according as the road is or is not designated by the order as a classified road,

shall become the highway authority for the road :

Provided that in the case of a road in the county of London—

- (a) where the road includes a bridge or tunnel which, immediately before the road became a trunk road, was vested in the London County Council, that council shall become the highway authority for the bridge or tunnel and so much of the road as is carried thereby, but without prejudice to any liability of the council of any metropolitan borough to maintain and repair the carriageways and footways over any such bridge; and
  - (b) if the Minister, after consultation with the London County Council and the council of the metropolitan borough in which the road is situated, considers that any other bridge or tunnel forming part of the road ought to be vested in the London County Council, the order may direct that that council shall become the highway authority for that bridge or tunnel and so much of the road as is carried thereby.
- (4) A road for which the council of a county or of a county borough become the highway authority by virtue of the last foregoing subsection shall be deemed to be a county road, and in relation to a road for which the council of a county so become the highway authority section thirty-two of the Local Government Act, 1929 (which entitles the councils of certain boroughs and urban districts to claim the functions of maintenance and repair of county roads), shall have effect as if the road had become a county road on the date on which the order takes effect, but any functions of maintenance and repair claimed under the said section shall not be exercisable until the date on which the road becomes a county road.
- (5) If any order made under section one of this Act, being an order which directs that a road proposed to be constructed by the Minister shall become a trunk road, is revoked or varied by a subsequent order made at any time before the date on which that road is opened for the purposes of through traffic, the revoking or varying order shall not be deemed for the purposes of this section to be an order directing that a road shall cease to be a trunk road.

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### **3 Additional powers relating to one-way roads, cycle tracks etc.**

(1) Where the Minister proposes to make an order under section one of this Act directing that any road shall become a trunk road and the Minister considers it expedient that that road, when it becomes a trunk road, should be used only for traffic passing in one direction, and that any other road, being a trunk road or a road which is to become a trunk road by virtue of the order should be used only for traffic passing in the other direction, then, without prejudice to the power of the Minister to make orders under section forty-six of the Road Traffic Act, 1930, the order under the said section one may make provision for restricting the use of those roads accordingly as from such date as may be specified in that behalf in the order, and thereupon the said provision shall have effect as if it were contained in an order made under subsection (2) of the said section forty-six, and the provisions of that section shall apply in relation thereto as they apply in relation to an order made under that subsection.

(2) Without prejudice to the powers of the Minister to improve trunk roads by the construction of cycle tracks and footpaths for use in connection therewith, or to provide such tracks or paths as part of any trunk road which he is authorised to construct, the power to make orders under section one of this Act directing that roads proposed to be constructed by the Minister shall become trunk roads may be exercised in relation to any such track or path proposed to be constructed by the Minister upon land separated by intervening land from the road in connection with which it is to be used ; and any reference in the principal Act or this Act to a trunk road shall be construed as including a reference to a cycle track or footpath to which any such order relates :

Provided that in the application of the Act of 1935 to any such track or path as aforesaid, section one of that Act (which relates to the adoption of standard widths) shall not apply, and subsection (1) of section two of that Act (which relates to the restriction of development along the frontages of roads) shall have effect as if for the reference in paragraph (b) thereof to land within two hundred and twenty feet from the middle of the road there were substituted a reference to land forming the site of the track or path.

(3) For the avoidance of doubt it is hereby declared that in calculating for the purposes of the Act of 1935 the middle of any trunk road in connection with which a cycle track or footpath is constructed, so much of the track or path as is separated from the road by any land not forming part of that road is to be disregarded.

### **4 Additional powers relating to side roads connected with trunk roads**

(1) Without prejudice to the powers of the Minister as highway authority to construct and improve roads, the Minister may be authorised by means of an order made by him in accordance with the provisions of the Second Schedule to this Act—

- (a) to carry out, in relation to any road specified in the order, such improvements as may be so specified, being improvements which the Minister considers it expedient to carry out for the purpose of effecting a safer or more convenient junction between a trunk road and any other road ;
- (b) to construct any road on a route so specified, being a road which the Minister considers it expedient to construct for the purposes aforesaid, or for the purpose of effecting a safe and convenient junction between a new road constructed by him as a trunk road and any road connected with a road which ceases to be a trunk road ;

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- (c) subject as hereinafter provided, to stop up either entirely or to such extent as may be so specified, any junction between a trunk road and any other road, being a junction which the Minister considers it necessary or expedient so to stop up in the interest of the safety of persons or vehicles using those roads respectively:

Provided that the Minister shall not make an order authorising him to stop up any such junction unless he is satisfied that a sufficient alternative connection with the trunk road is available within four hundred and forty yards of the existing junction, or unless the order provides for the carrying out of such works as the Minister considers necessary for the provision of such an alternative connection before the existing junction is stopped up.

- (2) Subject to the provisions of this section, the execution of any works by the Minister in accordance with an order made under this section shall be deemed for the purposes of the principal Act to be an improvement of the trunk road in connection with which they are executed, and without prejudice to the foregoing provision any such order may direct that, as from such date as may be specified in that behalf in the order, section four of the principal Act (which modifies the Act of 1935 in its application to trunk roads) shall apply in relation to any road proposed to be constructed by the Minister in accordance with the order, or in relation to so much of any road as the Minister proposes to improve thereunder, as if it had become a trunk road on that date.
- (3) An order under this section which provides for the improvement by the Minister of any road may direct that any land acquired by the Minister for the purpose shall, as from such date as may be determined by or under the order, vest in the highway authority for that road ; and an order under this section which provides for the construction by the Minister of a road may direct that, as from such date as may be so determined, the following authority, that is to say—
- (a) where the road is situated within a rural district, a county borough or a metropolitan borough, the council of the county comprising that district or the council of the county borough or metropolitan borough, as the case may be;
  - (b) where the road is situated within any other borough or within an urban district, the council of the county comprising that borough or district, or the council of the borough or district, according as the road is or is not designated by the order as a classified road,
- shall become the highway authority for the road.
- (4) The provisions of section seven of the principal Act (which relates to the transfer of property and liabilities), and the transitional provisions contained in the Fifth Schedule to that Act, shall apply in relation to a road for which any council become the highway authority by virtue of an order under this section as if it had previously been a trunk road, and subsection (4) of section two of this Act shall apply in relation to a road for which the council of a county or county borough become the highway authority by virtue of such an order as it applies in the case of orders made under section one of this Act.

## **5 Exercise by Minister of certain powers to purchase land in connection with trunk roads**

- (1) In relation to a trunk road, the power of a highway authority under section thirteen of the Act of 1935 to acquire land for purposes other than the construction or improvement of the road (that is to say the power to acquire land within two hundred

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and twenty yards from the middle of the road for the purpose of preventing the erection of buildings detrimental to the view from the road, and the power to acquire land by agreement for the purpose of preserving the amenities of the locality in which the road is situated) shall be exercisable by the Minister as well as by the authority by whom functions are exercisable under section one and section two of the said Act.

- (2) Section five of the principal Act (which enables the Minister to delegate to certain councils functions relating to trunk roads and subsection (z) of section six of that Act (which enables the Minister to make agreements with such councils for the carrying out of works of improvement of or other dealings with trunk roads) shall apply in relation to any land purchased under this section, notwithstanding that the land does not form part of 5 trunk road, as they apply in relation to a trunk road.

## **6 Bridges and tunnels over and under navigable waters**

- (1) Without prejudice to any power of the Minister to construct bridges or tunnels for the purposes of trunk roads provision may be made by an order under section one of this Act for the construction as part of a trunk road of a bridge over any navigable waters specified in the order, or of a tunnel under any such waters:

Provided that before making an order providing for the construction of any such bridge or tunnel, the Minister shall take into consideration the reasonable requirements of navigation over the waters affected by the order.

- (2) An order which provides for the construction of such a bridge shall include such plans and specifications as may be necessary to indicate the position and dimensions of the propose bridge, including the spans, headways and waterways thereof and, in the case of a swing bridge, shall contain such provision as the Minister considers expedient for regulating the operation of the bridge ; and an order which provides for the construction of such a tunnel shall include such plans and specifications a may be necessary to indicate the position and dimensions c the proposed tunnel, including the depth thereof below the be of the sea, river or other navigable waters, as the case may be
- (3) In relation to any such order as aforesaid, paragraph 2 and 4 of the Second Schedule to this Act shall have effect as any reference therein to the councils specified in the said pan graph 2 included a reference to every navigation authority catchment board concerned with or having jurisdiction over the waters affected or the area comprising those waters; and if objection to the order is duly made in accordance with the provisions of the said Schedule by any such authority or board as aforesaid on the ground that the bridge or tunnel is likely to obstruct or impede the performance of their functions under any enactment, or to interfere with the reasonable requirements of navigation over the waters affected by the order, and the objection is not withdrawn, the order shall be subject to special parliamentary procedure.
- (4) In this section the expression " enactment" includes a local or private Act and an order having the force of an Act, and the expression " navigation authority " means any person or body of persons, whether incorporated or not, having powers under any enactment to work, maintain, conserve, improve or control any canal or other inland navigation, navigable river, estuary, harbour or dock.

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## 7 **Transfer to Minister of private bridges carrying trunk roads**

- (1) On the first day of April, nineteen hundred and forty-six, every bridge to which this section applies by which any road which is or becomes a trunk road on that date is carried shall be transferred to the Minister; and where an order is made under section one of this Act directing that any road specified in the order shall become a trunk road, every such bridge as aforesaid by which that road is carried shall be transferred to the Minister on the date on which the road becomes a trunk road :

Provided that if on the date aforesaid any part of the road carried by such a bridge is not a trunk road, the bridge shall not be transferred to the Minister by virtue of this section unless and until that part becomes a trunk road.

- (2) Where a bridge is- transferred to the Minister under this section then, subject as hereinafter provided, the bridge, including any building or structure comprised therein and the road carried thereby, shall by virtue of this section vest in the Minister for all the estate or interest of the owners therein, and thereupon—
- (a) the bridge shall for all purposes become part of the trunk road; and
  - (b) notwithstanding anything in subsection (7) of section three of the principal Act, any liability of the owners for the improvement, maintenance or repair of the bridge or the road shall be extinguished ; and
  - (c) any statutory provision in force, in relation to the bridge, for the protection or benefit of any statutory undertakers shall have effect, subject to any necessary modifications, as if for any reference therein to the owners of the bridge there were substituted a reference to the Minister:

Provided that the Minister and the owners may, by agreement in writing made either before or after the date on which the bridge is so transferred, agree that the provisions of this subsection with respect to the transfer of property shall not apply, or as the case may be shall be deemed not to have applied, to such property comprised in the bridge as may be specified in the agreement.

- (3) In respect of any bridge which is transferred to the Minister under this section, the owners shall pay to the Minister such sum as may be agreed between them and the Minister or, in default of such agreement, such sum as may be determined by arbitration, to represent the value to the owners of the extinguishment of their liability under the last foregoing subsection, and the Minister shall pay the owners such sum as may be so agreed or determined to represent the value to the owners of the bridge as an asset productive of revenue.
- (4) Any sum payable by the owners of a bridge to the Minister under the last foregoing subsection shall, in so far as it exceeds any sum payable by the Minister to the owners thereunder, be paid, at the option of the owners—
- (a) as a lump sum; or
  - (b) by annual payments of such amount, and continuing for such number of years, as may be agreed between the owners and the Minister or, in default of agreement, determined by arbitration ; or
  - (c) by perpetual annual payments of such amount as may be so agreed or determined.
- (5) Where any bridge transferred to the Minister under this section carries the road over any railway, canal, road or other works used for the purposes of any undertaking carried on by the owners, then, so long as those works are so used—

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- (a) the Minister shall before entering on any land of the owners for the purpose of executing any works for the maintenance, improvement or alteration of the bridge, give notice in writing to the owners specifying the general nature of the works proposed to be executed and
- (b) except with the consent of the owners, the Minister shall not reduce the headway or spans of the bridge; and
- (c) if the headway of the bridge is reduced in consequence of subsidence due to raining operations, or of any works carried out by the owners for the purpose of raising the railway, canal, road or other works to a level not higher than their level before the subsidence occurred, the Minister shall, if so required by the owners, raise the bridge so far as may be necessary to give the same headway as before the subsidence occurred:

Provided that any consent required for the execution of any works by the Minister under this subsection shall not be unreasonably withheld, and if any question arises whether or not it is unreasonably withheld that question shall be determined by arbitration.

- (6) The purposes for which a compulsory purchase order may be made under section fourteen of the Act of 1935, as applied in relation to trunk roads by section four of the principal Act, shall include the execution of any works (other than the reconstruction of a bridge on a different site) for the maintenance, improvement or alteration of any bridge transferred to the Minister under this section, and in relation to any such order subsections (2) and (3) of the said section fourteen shall have effect as if any reference therein to the construction of a bridge or the approaches thereof included a reference to the reconstruction or alteration of the bridge.
- (7) Any dispute between the Minister and any authority or person as to the property or liabilities transferred under this section, or as to the liability of the Minister to carry out any works under this section, shall be determined by arbitration.
- (8) For the purposes of subsection (3) of this section, a bridge shall not be treated as an asset productive of revenue unless at the time when the bridge is transferred under this section—
  - (a) a contract is in force under which payments have been made or will accrue to the owners in respect of the use of the bridge ; or
  - (b) the bridge includes any building constructed or adapted for use by the owners for the purposes of their undertaking or for letting to any other person.
- (9) The bridges to which this section applies are bridges, including viaducts, which carry the road over any railway or road, over any canal, river, water-course, marsh or other place where water flows or is collected, or over any ravine or other depression, not being—
  - (a) swing bridges ;
  - (b) bridges which carry a railway as well as the road ; or
  - (c) bridges to which a right to levy tolls is attached, or for the maintenance and repair of which any highway authority are responsible as such ;

and for the purposes of this section the expression " bridge " includes the abutments and walls thereof and so much of the approaches thereto as carries the road, and the expression " owners," in relation to a bridge, means the persons who, immediately before the transfer of the bridge to the Minister, were responsible for the maintenance and repair thereof, and includes any person who, in pursuance of any agreement with the persons so responsible, were then discharging that responsibility on their behalf.

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- (10) Nothing in this section shall be construed as affecting the provisions of section seven of the principal Act with respect to the transfer to the Minister, as part of a trunk road, of any bridge vested in the former highway authority.
- (11) Where a road carried by a bridge transferred to the Minister under this section ceases to be a trunk road, the Minister may contribute towards the expenses incurred in the maintenance and repair of the bridge by the council who become the highway authority for the road.

## **8 Miscellaneous provisions relating to trunk roads**

- (1) The power of the Minister to delegate functions under subsection (1) of section five of the principal Act shall include power, with the consent of the council of the county, county borough or metropolitan borough in which the road is situated, to delegate to the council of a borough or urban district functions with respect to a trunk road outside that borough or district.
- (2) Nothing in section five or section six of the principal Act shall be construed as limiting the power of the Minister to enter into and carry into effect agreements with any authority or person for any purpose connected with the construction, improvement, maintenance or other dealing with a trunk road or otherwise connected with his functions under the principal Act or this Act:

Provided that no such agreement shall provide for the delegation of powers or duties of the Minister except in accordance with the provisions of the said section five.

- (3) For the purpose of the drainage of a trunk road, the Minister may exercise any powers exercisable by a local authority under the Public Health Act, 1936, or, in the case of a road in the County of London, under the Public Health (London) Act, 1936, for the purposes of the drainage of highways within the area of that authority.
- (4) The provisions of the Land Charges Act, 1925, with respect to the registration of local land charges shall apply to any prohibition or restriction on the use of land or buildings imposed by the Minister in relation to a trunk road—
- (a) by a notice served by him under section four of the Roads Improvement Act, 1925; or
  - (b) by the prescription of a building line under section five of the last mentioned Act or of an improvement line under section thirty-three of the Public Health Act, 1925,

as if the notice or prescription were a local land charge, and any such prohibition or restriction shall be registered accordingly by the proper officer of the local authority within whose area the land to which it relates is comprised.

- (5) For the purposes of subsection (1) of section three of the Act of 1935, the restrictions specified in section two of that Act shall, in a case where those restrictions apply to a road by virtue only of subsection (2) of section four of the principal Act, or of that subsection as applied by section four of this Act, be deemed to have been first published—
- (a) where the road becomes a trunk road by virtue of an order made under section one of this Act, or where the said subsection (2) applies thereto by virtue of an order made under section four of this Act, on the date on which notice of the draft order is published in accordance with the provisions of the Second Schedule to this Act ;



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- (b) where the road becomes a trunk road under this Act otherwise than by virtue of such an order, on the date on which it becomes a trunk road ;. and
  - (c) where the road became a trunk road by virtue of an order made under any of the provisions of the principal Act, on the date on which the road became a trunk road.
- (6) Subsection (7) of section three of the principal Act (which continues the liability of any authority or person to maintain and repair any road which immediately before it became a trunk road was not repairable by a local authority) shall cease to have effect in relation to the Menai Bridge and the road carried thereby.

## 9 Temporary and transitional provisions

- (1) Subsections (5) and (6) of section one of the principal Act (which made temporary provision for enabling the Minister by order to modify the provisions of the First Schedule to that Act for the purpose of substituting for any road specified therein a road in course of construction at the date of the passing of that Act, or for the purpose of correcting or clarifying the description of any road specified in that Schedule) shall apply in relation to roads which become trunk roads by virtue of this Act subject to the following modifications, that is to say:—
- (a) for any reference to the First Schedule to that Act there shall be substituted a reference to the First Schedule to this Act;
  - (b) for the reference to the passing of the principal Act there shall be substituted a reference to the passing of this Act, and for the words " the first day of April, nineteen hundred and thirty-seven " and the words " the thirty-first day of March, nineteen hundred and thirty-nine " there shall be substituted respectively the words " the first day of April, nineteen hundred and forty-six " and the words " the thirty-first day of March, nineteen hundred and forty-eight " ; and
  - (c) the reference to a county shall be construed as including a reference to a county borough and a metropolitan borough.
- (2) Subsection (4) of section five of the principal Act (which conferred on the Minister special powers exercisable for the purpose of securing continuity of administration during the period of two years following the thirty-first day of March, nineteen hundred and thirty-seven) shall have effect, in relation to any road specified in the First Schedule to this Act, as if for the references therein to the thirty-first day of March, nineteen hundred and thirty-seven and the thirty-first day of March, nineteen hundred and thirty-nine there were substituted respectively references to the thirty-first day of March, nineteen hundred and forty-six and to the thirty-first day of March, nineteen hundred and forty-eight.
- (3) The provisions set out in the Fifth Schedule to the principal Act (which relate to transitional matters) shall have effect for the purposes of this Act as if in paragraph 3 of the said Schedule for the reference to the first day of April, nineteen hundred and thirty-seven, there were substituted a reference to the first day of April, nineteen hundred and forty-six, and for the reference to the sixth day of July, nineteen hundred and thirty-six there were substituted a reference to the twenty-sixth day of October, nineteen hundred and forty-five.

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## 10 Expenses

- (1) All expenses incurred by the Minister with the approval of the Treasury under this Act in the construction, maintenance, repair or improvement of roads, and such of the expenses so incurred in other dealing with roads as may be determined by the Minister with the consent of the Treasury, shall be defrayed out of the Road Fund ; and all other expenses of the Minister under this Act shall, to such amount as may be approved by the Treasury, be defrayed out of moneys provided by Parliament.
- (2) For the purposes of the last foregoing subsection any expenses incurred by the Minister in the acquisition of land under subsection (1) of section five of this Act, or in managing, improving, or otherwise dealing with such land, shall be deemed to be incurred in dealing with roads.
- (3) Any sums received by the Minister under section seven of this Act shall be paid into the Exchequer.

## 11 Interpretation and construction

- (1) In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say :—
  - " Act of 1935 " means the Restriction of Ribbon Development Act, 1935:
  - " County of London " means the Administrative County of London as defined in subsection (1) of section one of the London Government Act, 1939, exclusive of the City of London:
  - " Minister " means the Minister of War Transport:
  - " Principal Act " means the Trunk Roads Act, 1936 :
  - " Swing bridge " includes any opening bridge operated by mechanical means:

and, except where the context otherwise requires, other expressions have the same meaning as in the principal Act.
- (2) For the avoidance of doubt it is hereby declared that for the purposes of the principal Act and this Act any road described in the First Schedule to that Act or in the First Schedule to this Act includes so much of any other road, not being itself a trunk road, as crosses that road on the level.
- (3) Any reference in this Act to the principal Act or to any other enactment shall, unless the context otherwise requires, be construed as a reference to that Act or enactment as amended by any subsequent enactment, including this Act.
- (4) Any reference in the principal Act to that Act or to any provision thereof shall, unless the context otherwise requires, be construed as including a reference to this Act, or to that provision as amended by this Act, as the case may be.

## 12 Amendments and repeal

- (1) The provisions of the principal Act specified in the Third Schedule to this Act shall have effect subject to the amendments (being minor and consequential amendments) set out in relation thereto in the second column of that Schedule.
- (2) Subsection (3) of section three of the Town and Country Planning Act, 1944 (which provides for special publication of notice of an order made under that section authorising the compulsory purchase of land except where, amongst other cases, the

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land is required for a project which has been the subject of an inquiry for the purposes of subsection (3) of section one of the principal Act) shall have effect as if after the words " the Trunk Roads Act, 1936," there were inserted the words " or for the purposes of section one or section four of the Trunk Roads Act, 1946. "

(3) Subsections (3) and (4) of section one of the principal Act are hereby repealed:

Provided that without prejudice to the provisions of section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals) any order made before the commencement of this Act under subsection (3) of the said section one shall continue in force, and subsection (4) of that section shall apply in relation thereto, as if those subsections had not been repealed.

### **13 Supplementary provisions as to Manchester Ship Canal**

Subsection (5) of section fourteen of the Act of 1935 (which precludes the compulsory acquisition by means of an order under that section of rights in land for the purposes of the construction of a bridge under or over the Manchester Ship Canal) shall not apply in relation to the acquisition of such rights under that section if the acquisition is required—

- (a) for the purpose of the construction of a bridge for which provision is made by any such order as is mentioned in section six of this Act; or
- (b) for the purposes of the execution of any works (other than the reconstruction of a bridge on a different site) for the maintenance, improvement or alteration of a bridge transferred to the Minister under section seven of this Act.

### **14 Application to Scotland**

- (1) The provisions of this section shall have effect for the purpose of the application of this Act to Scotland.
- (2) For any reference to the Town and Country Planning Act, 1944, there shall be substituted a reference to the Town and Country Planning (Scotland) Act, 1945.
- (3) For any reference to a county borough there shall be substituted a reference to a large burgh; for any reference to an easement there shall be substituted a reference to a servitude; and for references to the thirty-first day of March and to the first day of April there shall be respectively substituted references to the fifteenth and to the sixteenth day of May, or in any case concerning a local authority whose financial year ends on a day other than the fifteenth day of May, references to that other day and to the next day thereafter.
- (4) Section two and section four shall have effect as if—
  - (i) in subsection (3) of section two and subsection (3) of section four for paragraphs (a) and (b) there were substituted the following paragraphs :—
    - “(a) where the road is situated in a large burgh or in the landward area of a county or in a small burgh the council whereof is not charged with the maintenance and management of any of the roads therein, the council of the large burgh or county in which the road or such small burgh is situated ;
    - (b) where the road is situated in a small burgh the council whereof is charged with the maintenance and management of the roads therein other than classified roads, the council

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of the county in which the burgh is situated or the council of the burgh according as the road is or is not designated by the order as a classified road;”and

- (ii) subsection (4) of section two, and all the words after " trunk road' in subsection (4) of section four, were omitted.
- (5) Section eight shall have effect as if (i) subsection (1) were omitted; and (ii) for the reference in subsection (3) to the Public Health Act, 1936, there were substituted a reference to sections eighty-four and eighty-five of the Act First and Second William the Fourth Chapter forty-three as incorporated with and extended and applied by the Roads and Bridges (Scotland) Act, 1878.
- (6) The Second Schedule shall have effect as if in paragraph 2 for the words from " county borough " to the end of the paragraph there were substituted the words " (inclusive of any small burgh therein) or large burgh in which any road to which the order relates is situated, and, in the case of a road situated in a small burgh with the maintenance and management of which the town council of that burgh is charged, of the town council.
- (7) Where an order is, in pursuance of this Act, subject to special parliamentary procedure—
- (i) if notice has been published in accordance with paragraph 1 of the Second Schedule to this Act, the provisions of subsection (1) of section two as read with section ten of the Statutory Orders (Special Procedure) Act, 1945, with regard to advertisement of notice shall be deemed to have been complied with; and
  - (ii) paragraphs 4 and 5 of the Second Schedule to this Act shall not apply.
- (8) Any question or dispute which is required by this Act or by the principal Act 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 question or dispute. At any stage of the proceedings in any such arbitration the arbiter may, and shall, if so directed by the Court of Session, state a case for the opinion of the Court of Session on any question of law arising in the arbitration.
- (9) The expressions " large burgh " and " small burgh " have the meanings respectively assigned to them by the Local Government (Scotland) Act, 1929.

## **15 Modification of principal Act in its application to London**

For the purpose of the application of the principal Act and this Act to roads in the County of London with respect to which orders may be made under any of the foregoing provisions of this Act, the provisions of the principal Act specified in the Fourth Schedule to this Act shall have effect subject to the modifications set out in relation thereto in the second column of that Schedule, and any reference in this Act to the principal Act or to any provision of that Act or to any enactment applied by that Act, shall be construed, in relation to any such road, as a reference to that Act or to that provision or to that enactment, as the case may be, as modified by virtue of this section.

## **16 Saving for Rochester Bridge, Bideford Bridge and Barnstaple Bridge**

The provisions of this Act with respect to the transfer of private bridges shall not apply to Rochester Bridge, Bideford Bridge and Barnstaple Bridge.

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

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**17 Short title, citation and extent**

- (1) This Act may be cited as the Trunk Roads Act, 1946, and the principal Act and this Act may be cited together as the Trunk Roads Acts, 1936 and 1946.
- (2) This Act shall not extend to Northern Ireland.