



Local Government Act 1929

1929 CHAPTER 17

PART III

ROADS AND TOWN PLANNING.

Roads.

32 Rights of certain urban district councils to maintain county roads.

- (1) Where an urban district has a population exceeding twenty thousand, the urban district council may claim to exercise the functions of maintenance and repair of any county road within their district, and if a claim is made within the time hereinafter limited, then, as from such date as is hereinafter mentioned, the urban district council shall be entitled to exercise those functions, and the road shall vest in that council, and for the purpose of the maintenance, repair and improvement of, and other dealing with, any such road, that council shall have the same functions as if they were as respects that road the highway authority and the road were an ordinary road vested in them.
- (2) Such claim as aforesaid must be made—
 - (a) in the case where the population of the urban district exceeds twenty thousand at the appointed day and the road is a road which will by virtue of the foregoing provisions of this Part of this Act become a county road on the appointed day, before the appointed day;
 - (b) in the case where the population of the urban district is found by the Registrar General's preliminary report on any census subsequent to the appointed day to exceed for the first time twenty thousand and the road is a county road at the date of the publication of the report, within twelve months after that date;
 - (c) in the case of any enactment adding an area to an existing urban district of which the population exceeds twenty thousand, within twelve months after the date when the enactment takes effect;
 - (d) in the case of any enactment constituting a new urban district or adding an area to an existing urban district, in consequence whereof the urban district

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becomes an urban district of which the population exceeds twenty thousand, within twelve months after the date when the enactment takes effect;

- (e) in the case of any road which becomes a county road after the appointed day, or after the date mentioned in any of the last three foregoing paragraphs, as the case may require, within twelve months after the date when it so becomes a county road.

- (3) The date as from which the right of maintenance and repair shall be exercisable shall—
 - (a) where the claim is made before the appointed day, be the appointed day;
 - (b) in any other case be the first day of April in the year following the calendar year in which the claim is made:

Provided that as respects any county roads which—

- (a) may be declared by the Minister of Transport to be roads towards the construction or improvement of which by the county council advances have been made under the Development and Road Improvement Funds Act, 1909, as amended by any subsequent enactment, and to be roads the maintenance and repair of which should, having regard to the best means of promoting economy and efficiency in highway administration, remain vested in the county council; or
- (b) being situate in a county within which at the commencement of this Act there was in force a local Act empowering urban district councils to relinquish any functions of maintenance and repair retained by them in pursuance of a claim made under subsection (2) of section eleven of the Local Government Act, 1888, are roads as respects which the urban district council were not exercising the functions of maintenance and repair at the commencement of this Act;

the date as from which the right of maintenance and repair claimed under this section shall be exercisable shall be deferred until such date as the Minister of Transport may by order determine, and every such order shall be laid before Parliament as soon as may be after it is made.

- (4) Any urban district council for the time being so responsible for the maintenance and repair of any county road within their district may at any time, with the consent of the county council, relinquish their functions as regards the maintenance and repair of the county road, and as from the first day of April next after the date of relinquishment the county road and the functions of maintaining and repairing it shall vest in the county council in like manner as if the urban district council had made no claim under subsection (1) of this section.

In the event of the county council withholding consent under this subsection, the urban district council may appeal to the Minister of Transport, who may make such order thereon as he thinks fit, and the order shall be binding on the county council and the urban district council.

- (5) Where at the appointed day any urban district council are in pursuance of subsection (2) of section eleven of the Local Government Act, 1888, exercising the functions of maintaining and repairing any main road, then—
 - (a) if the population of the urban district exceeds twenty thousand at the appointed day the council thereof shall be deemed to have duly made a claim under this section as respects the road, unless before the appointed day they give to the county council notice in writing to the contrary;

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- (b) in any other case the right of the urban district council to maintain and repair the road shall as from the appointed day determine, and the road and the functions of maintaining and repairing it shall vest in the county council.
- (6) For the purposes of this section—
- (a) the expression " road" does not include county bridges; and
 - (b) the population of an urban district shall, subject as hereinafter provided, be ascertained according to the last census for the time being:

Provided that the population of an urban district at the appointed day shall be taken to be the estimated population of that district for the year nineteen hundred and twenty-eight.