

STATUTORY INSTRUMENTS

1986 No. 313

ROAD TRAFFIC

**The Motor Vehicles (Authorisation of Special Types)
(Amendment) Order 1986**

Made - - - - - 24th February 1986
Coming into Operation 1st April 1986

The Secretary of State, in exercise of the powers conferred by section 42 of the Road Traffic Act 1972(a), and now vested in him(b), hereby makes the following Order:—

1. This Order may be cited as the Motor Vehicles (Authorisation of Special Types) (Amendment) Order 1986 and shall come into operation on 1st April 1986.

2. The Motor Vehicles (Authorisation of Special Types) General Order 1979(c) is hereby varied in accordance with the following provisions of this Order.

3. In article 5, the following shall be added at the end of paragraph (1)—

“In condition (b) above, the expression “person responsible for the maintenance and repair of any road” includes any person who is so responsible to a highway authority pursuant to an agreement with that authority.”.

4. In article 15(m), after the words “Construction and Use Regulations” in the second place where they occur there shall be inserted the words “and references to the highway authority for any road and to the bridge authority for any bridge shall be read as including references to any other person responsible for the maintenance and repair of the road or bridge in question pursuant to an agreement with the authority”.

5. In article 16(2)(f), after the words “Construction and Use Regulations” in the second place where they occur there shall be inserted the words “and references to the highway authority for any road and to the bridge authority for any bridge shall be read as including references to any other person responsible for the maintenance and repair of the road or bridge in question pursuant to an agreement with the authority”.

(a) 1972 c. 20.

(b) S.I. 1979/571 and 1981/238.

(c) S.I. 1979/1198, to which there are amendments not relevant to this Order.

6. In article 26—

(a) after paragraph (2) there shall be inserted the following paragraphs—

“(2A) In any case where a London council or a metropolitan district council which is a highway authority or a bridge authority has—

(a) delegated all or any of its functions with respect to a road or bridge to another London council or (in the case of a metropolitan district council) another metropolitan district council; or

(b) entered into an agreement for the discharge of all or any of its functions with respect to a road or bridge by some other person,

the notice and indemnity which are required by the provisions of paragraph (2) above shall be treated as given in accordance with that paragraph if they are given to the other council or (as the case may be) to the other person.

(2B) In paragraph (2A) above “London council” means the council of a London borough or the Common Council of the City of London.”; and

(b) in paragraph (6)—

(i) in sub-paragraph (i), for the words “(including the Greater London Council)” there shall be substituted the words “or of a metropolitan district”;

(ii) in that sub-paragraph, after the words “London Borough” there shall be inserted the words “or by any other person acting pursuant to an agreement with the Minister”; and

(iii) after the words “Executive or Board” there shall be inserted the words “or person”.

7. In article 28(3)—

(a) in paragraph (a), after the words “that bridge” there shall be inserted the words “or any other person responsible for the maintenance and repair of the bridge pursuant to an agreement with that authority”; and

(b) in paragraph (b), after the words “bridge authority” there shall be inserted the words “or such other person”.

8. In Part II of Schedule 2, after the words “bridge authority” there shall be inserted the words “or other person”.

Nicholas Ridley,
Secretary of State for Transport.

24th February 1986.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends the Motor Vehicles (Authorisation of Special Types) General Order 1979, in the following ways—

- (a) references to highway and bridge authorities are extended to include references to other persons responsible for the maintenance and repair of roads and bridges pursuant to agreements with the authorities in question;
- (b) notices and indemnities need only be given to that one of a group of London boroughs or metropolitan district councils who undertakes to discharge all or any of the highway and bridge authority functions of all councils in the group; and
- (c) a reference to the Greater London Council is removed, and a reference to metropolitan district councils is inserted.

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