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STATUTORY INSTRUMENTS

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**1991 No. 337**

**ENVIRONMENTAL PROTECTION**

**The Highway Litter Clearance and  
Cleaning (Transfer of Duties) Order 1991**

*Made* - - - - - *25th February 1991*  
*Laid before Parliament* *6th March 1991*  
*Coming into force* - - - *1st April 1991*

The Secretary of State for Transport, in exercise of the power conferred by section 86(11) of the Environmental Protection Act 1990(1) and of all other enabling powers, after consultation with the Councils of the Boroughs of Burnley, Dartford, Gravesham, Havant, Hyndburn, Rossendale and Thurrock, the Cities of Manchester and Portsmouth, the London Borough of Hammersmith and Fulham, the Royal Borough of Kensington and Chelsea and the City of Westminster in accordance with paragraph (b) of that subsection, hereby makes the following Order:

**Citation and commencement**

1. This Order may be cited as the Highway Litter Clearance and Cleaning (Transfer of Duties) Order 1991 and shall come into force on 1st April 1991.

**Transfer of duties to the Secretary of State**

2. On the date on which this Order comes into force, there shall be transferred to the Secretary of State for Transport from each local authority listed in column 1 of the Schedule to this Order the duties imposed by section 89(1) and (2) of the Environmental Protection Act 1990 as respects the part or parts of the highway or highways specified against that local authority in column 2 of that Schedule.

25th February 1991

*Malcolm Rifkind*  
Secretary of State for Transport

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(1) 1990 c. 43.

**Status:** This is the original version (as it was originally made).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

## SCHEDULE

(1) Names of local authorities	(2) Parts of highways for which duties are transferred
Gravesham Borough Council	That part of the A2 trunk road from its junction with the M2 Motorway (Junction 1) westwards to the boundary between the Boroughs of Gravesham and Dartford
Dartford Borough Council	<p>(1) That part of the A2 trunk road from the boundary between the Boroughs of Gravesham and Dartford westwards to its junction with the M25 Motorway (Junction 2)</p> <p>(2) That part of the A282 trunk road from its junction with the M25 Motorway (Junction 2) northwards to the boundary between the Counties of Kent and Essex</p>
Thurrock Borough Council	That part of the A282 trunk road from the boundary between the Counties of Kent and Essex northwards to its junction with the M25 Motorway at Junction 30
Havant Borough Council	That part of the A27 trunk road from the southern end of the A3(M) Motorway southwestwards to the boundary between the Borough of Havant and the City of Portsmouth
Portsmouth City Council	That part of the A27 trunk road from the boundary between the Borough of Havant and the City of Portsmouth southwestwards to its junction with the M27 Motorway (Junction 13)
London Borough Council of Hammersmith and Fulham	That part of the A40(M) trunk road from its junction with the A40 trunk road (Westway) eastwards to the boundary between the London Borough of Hammersmith and Fulham and the Royal Borough of Kensington and Chelsea
Council of the Royal Borough of Kensington and Chelsea	That part of the A40(M) trunk road from the boundary between the London Borough of Hammersmith and Fulham and the Royal Borough eastwards to the boundary between the Royal Borough and the City of Westminster
Westminster City Council	That part of the A40(M) trunk road from the boundary between the Royal Borough of Kensington and Chelsea and the City of Westminster eastwards to its junction with the A5 Edgware Road
Rossendale Borough Council	That part of the A56 trunk road from its junction with the M66 Motorway northwards to the boundary between the Boroughs of Rossendale and Hyndburn

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(1) Names of local authorities	(2) Parts of highways for which duties are transferred
Hyndburn Borough Council	That part of the A56 trunk road from the boundary between the Boroughs of Rossendale and Hyndburn northwards to the boundary between the Boroughs of Hyndburn and Burnley
Burnley Borough Council	That part of the A56 trunk road from the boundary between the Boroughs of Hyndburn and Burnley northwards to its junction with the M65 Motorway (Junction 8)
Manchester City Council	That part of the A5103 trunk road from its junction with the M56 Motorway (Junction 3) northwards to its junction with the M63 Motorway (Junction 9)

### EXPLANATORY NOTE

*(This note is not part of the Order)*

Section 89(1)(a) and (2)(a) of the Environmental Protection Act 1990 places a duty on the council of each district, or in Greater London each London borough, to ensure that land comprised in the highways maintainable at the public expense within its area (other than trunk roads which are special roads) are so far as practicable kept clean and clear of litter and refuse. Section 86(11) empowers the Secretary of State to transfer responsibility for the discharge of these duties as respects all or any part of such a highway to the highway authority for that highway.

This Order transfers these duties in respect of the highways and lengths of highway listed in the schedule from the councils who would otherwise be responsible to the Secretary of State for Transport, who is the highway authority for them. The transfer becomes effective on 1st April 1991.