
STATUTORY INSTRUMENTS

1996 No. 1814

LOCAL GOVERNMENT, ENGLAND AND WALES

**The Local Authorities (Goods and Services)
(Public Bodies) (Trunk Roads) (No. 2) Order 1996**

<i>Made</i>	- - - -	<i>10th July 1996</i>
<i>Laid before Parliament</i>		<i>17th July 1996</i>
<i>Coming into force</i>	- -	<i>7th August 1996</i>

The Secretary of State for Transport and the Secretary of State for Wales, acting jointly in relation to England and Wales, in exercise of the powers conferred by section 1(5) and (6) of the Local Authorities (Goods and Services) Act 1970⁽¹⁾, hereby make the following Order:

Citation and commencement

1. This Order may be cited as the Local Authorities (Goods and Services) (Public Bodies) (Trunk Roads) (No. 2) Order 1996 and shall come into force on 7th August 1996.

Interpretation

2. In this Order, unless the context otherwise requires:

“the 1980 Act” means the Highways Act 1980⁽²⁾;

“trunk road” has the meaning given in section 329(1) of the 1980 Act;

“trunk road connected land” means any land which does not form part of a trunk road but which has been acquired by the Secretary of State for Transport or the Secretary of State for Wales in connection with a trunk road under section 239(2) or (4) or section 246 of the 1980 Act;

“unitary district” means a district (other than a metropolitan district) where the district council is the sole principal council for that local government area;

“unitary district council” means a district council (other than a metropolitan district council) which is the sole principal council for its local government area.

(1) 1970 c. 39. The power conferred on the Minister of Housing and Local Government is exercisable by the Secretary of State: paragraphs 2(1) and 5(2) of S.I.1970/1681.

(2) 1980 c. 66.

Designation of public bodies

3. A person specified below, appearing to the Secretary of State for Transport and the Secretary of State for Wales to be exercising functions of a public nature, shall be a public body for the purposes of the Local Authorities (Goods and Services) Act 1970 in its application to England and Wales—

The Secretary of State for Transport,
The Secretary of State for Wales.

Restrictions on agreements which may be entered into by the Secretary of State for Transport and the Secretary of State for Wales

4. The Secretary of State for Transport and the Secretary of State for Wales may only enter into an agreement with a local authority by virtue of this Order if it is a local highway authority (minister) (No. 2) agreement within the meaning of article 5 below.

Local highway authority (minister) (No. 2) agreement

5. An agreement is a local highway authority (minister) (No. 2) agreement if it is an agreement to which each of the following subparagraphs of this article applies:

- (a) it is an agreement between the Secretary of State and a local authority, which is a county council, a county borough council, a unitary district council, a metropolitan district council or a London borough council, with respect to a trunk road or trunk road connected land, where:
 - (i) such road or land is inside the local authority's area; or
 - (ii) if such road or land is outside the local authority's area but within a London borough, a unitary district or a non-metropolitan county in England, the council of that borough, district or county has consented to the agreement between the local authority and the Secretary of State; or
 - (iii) if such road or land is outside the local authority's area, but within a metropolitan district or within a county or county borough in Wales, the authority has consulted the council of that district, county or county borough prior to entering into the agreement with the Secretary of State;
- (b) the agreement is not a local highway authority (minister) agreement within the meaning of article 7 of the Local Authorities (Goods and Services) (Public Bodies) (Trunk Roads) Order 1996⁽³⁾; and
- (c) the agreement does not provide for the delegation of any of the Secretary of State's functions referred to in section 6(1) of the 1980 Act.

Signed by authority of the Secretary of State for Transport

9th July 1996

John Watts
Minister of State
Department of Transport

(3) S.I. 1996/342.

Signed by authority of the Secretary of State for Wales

10th July 1996

Gwilym Jones
Parliamentary Under Secretary of State Welsh
Office

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

EXPLANATORY NOTE

(This note is not part of the Order)

This Order designates the Secretary of State for Transport and the Secretary of State for Wales under the Local Authorities (Goods and Services) Act 1970 (article 3).

The effect of the designation is to allow local highway authorities to provide goods and services in connection with trunk roads and trunk road connected land to either Secretary of State (providing the conditions in articles 4 and 5 are fulfilled).