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STATUTORY INSTRUMENTS

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**1996 No. 342**

**LOCAL GOVERNMENT, ENGLAND AND WALES**

**The Local Authorities (Goods and Services)  
(Public Bodies) (Trunk Roads) Order 1996**

<i>Made</i>	- - - -	<i>19th February 1996</i>
<i>Laid before Parliament</i>		<i>22nd February 1996</i>
<i>Coming into force</i>	- -	<i>14th March 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) Order 1996 and shall come into force on 14th March 1996.

**Interpretation**

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

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

“DBFO contractor” means a person who has entered into a DBFO contract with the Secretary of State for Transport or with the Secretary of State for Wales;

“DBFO contract” means a contract between the Secretary of State for Transport or the Secretary of State for Wales and another person pursuant to which such other person undertakes responsibility for the design, building, financing and operation of a trunk road for an agreed period;

“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;

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(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.

“unitary county council” means a county council which is the sole principal council for its local government area;

“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.

### **Designation of public bodies**

3. A person specified, or of a description 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 (Good and Services) Act 1970 in its application to England and Wales—

- the Secretary of State for Transport,
- the Secretary of State for Wales,
- a DBFO contractor.

### **Restrictions on agreements which may be entered into by a DBFO contractor**

4. A DBFO contractor may only enter into an agreement with a local authority by virtue of this Order if it is a local highway authority (DBFO) agreement within the meaning of article 5 below.

### **Local highway authority (DBFO) agreement**

5. An agreement is a local highway authority (DBFO) agreement if it is an agreement to which each of the following subparagraphs of this article applies:

- (a) it is an agreement between a DBFO contractor 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 which is the subject of a DBFO contract, 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 DBFO contractor; 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 DBFO contractor;
- (b) it is an agreement for:
  - (i) the provision by the local authority for the DBFO contractor of any administrative, professional or technical services;
  - (ii) the use by the DBFO contractor of any vehicle, plant or apparatus belonging to the local authority and the placing at the disposal of that contractor of the services of any person employed in connection with the vehicle or other property in question; or
  - (iii) the carrying out by the local authority of works of maintenance in connection with land or buildings for the maintenance of which the DBFO contractor is responsible;
- (c) it is an agreement made by acceptance of the local authority’s offer to carry out the obligations under the agreement where:

- (i) the local authority made the offer in response to an invitation by the DBFO contractor to submit offers; and
- (ii) the invitation was made to other persons who were willing to carry out work of the kind concerned, including at least one person who was not a local authority; and
- (d) it is an agreement which will determine no later than on a date which is five years after the date which it was entered into by the parties.

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

6. 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) agreement within the meaning of article 7 below.

#### **Local highway authority (minister) agreement**

7. An agreement is a local highway authority (minister) 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 which has been or is the subject of a DBFO contract, 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) it is an agreement for:
  - (i) the provision by the local authority for the Secretary of State of any administrative, professional or technical services;
  - (ii) the use by the Secretary of State of any vehicle, plant or apparatus belonging to the local authority and the placing at the disposal of the Secretary of State of the services of any person employed in connection with the vehicle or other property in question; or
  - (iii) the carrying out by the local authority of works of maintenance in connection with land or buildings for the maintenance of which the Secretary of State is responsible; 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.

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

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Signed by authority of the Secretary of State for Transport

Department of Transport  
15th February 1996

*John Watts*  
Minister of State,

Signed by authority of the Secretary of State for Wales

Welsh Office  
19th February 1996

*Gwilym Jones*  
Parliamentary Under Secretary of State,

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## EXPLANATORY NOTE

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

Article 3 of this Order designates the Secretary of State for Transport, the Secretary of State for Wales and a DBFO contractor under the Local Authorities (Goods and Services) Act 1970.

The effect of the designation is to allow local highway authorities to provide certain services in connection with trunk roads and trunk road connected land to—

- (a) DBFO contractors (providing the conditions in articles 4 and 5 are fulfilled);
- (b) the Secretary of State for Transport (providing the conditions in articles 6 and 7 are fulfilled); and
- (c) the Secretary of State for Wales (providing the conditions in articles 6 and 7 are fulfilled).