
DRAFT STATUTORY INSTRUMENTS

2009 No.

The Contracting Out (Highway Functions) Order 2009

Interpretation

2.—(1) In this Order—

“the 1980 Act” means the Highways Act 1980(1);

“the 1991 Act” means the New Roads and Street Works Act 1991(2);

“the 1995 Order” means the Contracting Out (Highway Functions) Order 1995(3);

“the 1999 Order” means the Local Authorities (Contracting Out of Highway Functions) Order 1999(4);

“the 2001 Order” means the Local Authorities (Contracting Out of Highway Functions) (England) Order 2001(5);

“highway” has the meaning given in section 328 of the 1980 Act;

“highway authority” has the meaning given in section 1(6) of the 1980 Act;

“highway connected land” means land which does not form part of a highway but which has been acquired by the Secretary of State or a local highway authority, in connection with a highway, under section 239(1) or (4) or section 246 of the 1980 Act or otherwise;

“local highway authority” has the meaning given in section 329(1) of the 1980 Act; and

“street works” has the meaning given in section 48(3) of the 1991 Act.

(2) In Schedule 1, any expression used in a reference to a provision of the 1980 Act has the same meaning as it has in that Act.

(3) In Schedule 2, any expression used in a reference to a provision of the 1991 Act has the same meaning as it has in that Act.

(1) 1980 c.66. All functions of a Minister of the Crown under this Act (“the 1980 Act”), except the Treasury function under section 327(4), functions exercisable by the Secretary of State under section 329(5) and functions exercisable by the Secretary of State in relation to that part of the M4 Motorway in Wales which comprises “the New Toll Plaza area” and “the New Bridge”, as defined in the Severn Bridges Act 1992 (c.3), section 39(1), so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2 and Schedule 1. Following the repeal of the Government of Wales Act 1998 (c.38), sections 22 and 155(2), that Order has effect as if made under the Government of Wales Act 2006 (c.32) (“the 2006 Act”), sections 58 and 158(3), by virtue of Schedule 11, paragraph 26(1) and (3), to that Act. The functions of the National Assembly for Wales under the 1980 Act are transferred to the Welsh Ministers by virtue of the 2006 Act, schedule 11, paragraph 30.

(2) 1991 c.22. All functions of a Minister of the Crown under this Act (“the 1991 Act”), except section 167(3), so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2 and Schedule 1. That Order has effect as set out in footnote (a) and the functions of the National Assembly for Wales under the 1991 Act are transferred to the Welsh Ministers in the same manner as set out in that footnote.

(3) S.I. 1995/1986.

(4) S.I. 1999/2106.

(5) S.I. 2001/4061.

(6) Section 1(1)(aa) was inserted by the New Roads and Street Works Act 1991 (c.22), section 21(2). Section 1(2), (3) and (4) were amended by the Local Government Act 1985 (c.51), sections 8 and 102 and Schedule 4, Part I, paragraph 1(a), (b) and (c) and Schedule 17. Subsection (3) was also amended by the Greater London Authority Act 1999 (c.29) (“the 1999 Act”), section 259(1) and (3). Subsection (2A) was inserted by the 1999 Act, section 259(1) and (2) and subsection (3A) was inserted by the Local Government (Wales) Act 1994 (c.19) (“the 1994 Act”), section 22(1), and Schedule 7, Part I, paragraph 1(1) and (2). Subsection (5) was inserted by the 1994 Act, section 22(1) and Schedule 7, Part I, paragraph 1(1) and (3).

Draft Legislation: This is a draft item of legislation. This draft has since been made as a
UK Statutory Instrument: The Contracting Out (Highway Functions) Order 2009 No. 721
