



# Local Government (Scotland) Act 1966

## 1966 CHAPTER 51

### PART III

#### ROADS

##### *Lighting of road*

#### **32 Transfer of road lighting systems.**

- (1) On the date of the commencement of this Part of this Act there shall be transferred to the highway authority for any road for which a road lighting system was then provided by a lighting authority other than the highway authority—
  - (a) all lamps, lamp-posts and other apparatus which, immediately before that date, were vested in the lighting authority as part of that system ;
  - (b) except as provided by subsection (2) of this section, all other property or rights which, immediately before that date, were vested in the lighting authority for the purposes of that system, and all liabilities incurred by that authority for those purposes and not discharged before that date.
- (2) There shall not be transferred to a highway authority by virtue of this section any right or liability of a lighting authority in respect of work done, services rendered, goods (including gas and electricity) supplied or money due for payment before the said date, and there shall not be transferred to the Secretary of State by virtue of this section any liability of a lighting authority in respect of loans or loan charges.
- (3) A highway authority and a lighting authority, or any two or more highway authorities, may make agreements with respect to the transfer of property, rights and liabilities under this section, including agreements for defining the property, rights and liabilities thereby transferred to the highway authority or any of those authorities, and for the transfer or retention of property, rights or liabilities held or incurred for the purposes of two or more road lighting systems, or partly for the purposes of such a lighting system and partly for other purposes ; and any dispute between the authorities concerned as to the property, rights or liabilities transferred by this section shall be determined—

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- (a) where the Secretary of State is one of those authorities, by arbitration;
  - (b) in any other case, by the Secretary of State.
- (4) If at any time after the commencement of this Part of this Act a road lighting system is provided by a lighting authority for the purposes of a road for which they are not the highway authority, the foregoing provisions of this section shall apply as if for references to the date of the commencement of this Part of this Act there were substituted a reference to such date as may be determined by agreement between the lighting authority and the highway authority or, in default of such agreement, as the Secretary of State may direct.
- (5) In this Part of this Act " road lighting system " means a lighting system which is not a footway lighting system.