

SCHEDULES

SCHEDULE 4

Section 8.

HIGHWAYS

PART I

AMENDMENTS OF THE HIGHWAYS ACT 1980

- 1 In section 1—
 - (a) in subsection (2), after the word " county " in the first place where it occurs, there shall be inserted the words " or metropolitan district" , and after that word in the second place where it occurs there shall be inserted the words " or, as the case may be, the district" ;
 - (b) in subsection (3) for the words from the beginning to " the council" there shall be substituted the words " The council" ; and
 - (c) in subsection (4), after the word "county" , there shall be inserted the words " or, as the case may be, the metropolitan district" .
- 2 In section 2, in paragraph (a), after the word " county " , there shall be inserted the words " or metropolitan district" , and in paragraph (b) for the words from " the" in the second place where it occurs to the end of the paragraph there shall be substituted the words " the council of the borough. "
- 3 In section 4(3), before the word " district" , there shall be inserted the word " non-metropolitan" .
- 4 In section 6—
 - (a) in subsection (1)—
 - (i) for the words " the Greater London Council" there shall be substituted the words " a metropolitan district council" ; and
 - (ii) the words after " below " shall be omitted ;
 - (b) after that subsection there shall be inserted—

“(1A) The Minister shall not delegate functions to a council under subsection (1) above—

 - (a) with respect to a trunk road or land outside their area but within a non-metropolitan county or London borough, except with the consent of the council of that county or borough;
 - (b) with respect to a trunk road or land outside their area but within a metropolitan district except after consultation with the council of that district.”
 - (c) in subsection (5) for the words " the Greater London Council" there shall be substituted the words " a metropolitan district council" ;

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(d) in subsection (6) the words after "arrangements" in the third place where it occurs shall be omitted; and

(e) after that subsection there shall be inserted—

“(6A) No arrangements shall be entered into under subsection (6) above for the carrying out by a district council of any functions-

(a) with respect to a trunk road or land outside their area but within a non-metropolitan district, except with the consent of the council of the non-metropolitan district;

(b) with respect to a trunk road or land outside their area but within a metropolitan district, except after consultation with the council of the metropolitan district”.

5 At the end of section 8(4) there shall be inserted " ; and the council of a metropolitan district may not enter into an agreement under this section with the council of another metropolitan district or of a county unless the districts are in the same county or in counties which adjoin each other or, as the case may be, the county in which the district is situated and the other county adjoin each other." .

6 In section 20(8) for the words " sections 156 and 159 " there shall be substituted the words " section 156" .

7 In sections 31(7), 36(6), 40, 172(1), 188(1), 190(1), 191(1) and (3), 192(1) and (3), 193(1) and (2), 194(1) and (2), 195(3), 197(2) and (3), 198, 199 and 200(2) and (3), after the word "county" , there shall be inserted the words " , metropolitan district" .

8 In section 34, after the words " county council," there shall be inserted the words " a metropolitan district council," .

9 In section 35, in subsections (1)(a) and (b) and 3(d) and (e) before the word "district" , and in subsection (7) before the word "district" in the first two places where it occurs, there shall be inserted the word " non-metropolitan" .

10 In section 39, after the words " county council" , there shall be inserted the words " or metropolitan district council" .

11 In section 42(1) and (3), before the word "district" in the first place where it occurs, there shall be inserted the word " non-metropolitan" .

12 In section 43(2), before the word " district" , there shall be inserted the word " non-metropolitan" .

13 In section 45—

(a) in subsections (4) and (6) for the word "county" there shall be substituted the words " non-metropolitan county, metropolitan district" ;

(b) in subsections (7) and (8) for the word " county " there shall be substituted the words " non-metropolitan county or metropolitan district" ; and

(c) in subsection (12), before the word "district" in the first place where it occurs, there shall be inserted the word " non-metropolitan" .

14 In section 50, in subsection (2), before the word " district" in the first place where it occurs, there shall be inserted the word " non-metropolitan " .

15 In section 61, before the word " district" in each place where it occurs there shall be inserted the word " non-metropolitan" .

16 In section 64(5) for the words " subsections (1) to (4)" there shall be substituted the words " subsections (1) to (3)" .

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- 17 In section 66(6), after the word " county" in both places where it occurs, there shall be inserted the words " or metropolitan district" .
- 18 In section 79(3), before the word "district" there shall be inserted the word " non-metropolitan" .
- 19 In sections 80(4), 195(1)(b), 254(2)(b) and 271(1)(ii) and paragraph 1 of Schedule 15 after the word "county" , there shall be inserted the words " or metropolitan district" .
- 20 In section 95(1), in paragraph (a), after the word "county" , there shall be inserted the words " or metropolitan district" , and in paragraph (c) for the words "any other" there shall be substituted the word " a" .
- 21 At the end of section 100(6) there shall be inserted " ; and where the highway authority are a metropolitan district council they shall, before so exercising any powers under that Act, give such notice to the water authority within whose area the powers are proposed to be exercised." .
- 22 In section 114(1), (3) and (4), after the words "county council" there shall be inserted the words " or metropolitan district council" .
- 23 In section 115H, in subsection (1) for the words "subsections (2) and (3)" there shall be substituted the words " subsection (3) " ; and in subsection (3) for the words from the beginning to " as" there shall be substituted " Subsection (1) above shall have effect in relation to a highway—
- (a) to which this Part of this Act applies ; and
 - (b) in relation to which there is no pedestrian planning order in force, as " .
- 24 In section 116—
- (a) in subsection (1) for the word " appropriate" there shall be substituted the word " highway" ; and
 - (b) for paragraph (a) of subsection" (3) there shall be substituted—
 - “(a) if the highway is in a non-metropolitan district, the council of that district: and”.
- 25 In sections 134(7) and (10)(a), 143(1)(a), 146(2)(a) and (5)(b). 147(1)(a), 156(2)(i) and 175, before the word " district" , there, shall be inserted the word " non-metropolitan" .
- 26 In section 151(1)(a) for the words after "also" there shall be substituted the words " , if the street is situated in a non-metropolitan district, the council of that district; and" .
- 27 In section 154(1)(b) for the words after " also " there shall be substituted the words " , if the highway is situated in a non-metropolitan district, the council of that district;
- 28 In section 160(2) for the words from "the Greater London Council" to "the Council" there shall be substituted the words " the highway authority that any person mentioned in paragraph (a), (b) or (c) of subsection (1) above has caused an unnecessary obstruction for the purposes of this section, that authority" .
- 29 In section 186—
- (a) in subsection (1) for the words " and of every " there shall be substituted the words " , metropolitan district and" ; and
 - (b) in subsections (5)(b) and (7), after the words " county council " there shall be inserted the words " , metropolitan district council" .

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- 30 In section 189(1) for the words " a London" there shall be substituted the words " , metropolitan district council or London" .
- 31 In section 196(8)(a), after the word "council" there shall be inserted the words " or metropolitan district council" .
- 32 In section 197(1) for the word " the " in the second place where it occurs there shall be substituted the words " metropolitan district council or" .
- 33 In section 203(3) in the definition of " street works authority " after the word "county" , there shall be inserted the words " or metropolitan district" .
- 34 In sections 205(5) and 210(2) for the words after "also" there shall be substituted the words " , in the case of a street situated in a non-metropolitan district, at the offices of the council of that district." .
- 35 In sections 220(2) and 223(6), before the word " district" in the first place where it occurs, there shall be inserted the word " non-metropolitan" .
- 36 In section 230(7), after the word "concerned" , there shall be inserted the words " is situated in a non-metropolitan district and" .
- 37 In section 263(5), before the word " district" in the first place where it occurs, there shall be inserted the word " non-metropolitan" .
- 38 In section 264—
- (a) in subsection (1), after the word " county " in both places where it occurs, there shall be inserted the words " or metropolitan district" ;
 - (b) for subsection (2) there shall be substituted—
 - “(2) The drains belonging to a highway—
 - (a) which immediately before the date of the abolition of the Greater London Council under the Local Government Act 1985 was a metropolitan road; and
 - (b) which did not become a trunk road on that date by virtue of an order made under paragraph 53 of Schedule 4 to that Act,

vest in the council of the London borough in which the highway is situated or, if it is situated in the City in the Common Council, and where any other drain or sewer was, at the date when the highway became a metropolitan road, used for any purpose in connection with the drainage of that highway, that council shall have the right of using the drain or sewer for that purpose.”;
 - (c) in subsection (3)—
 - (i) in paragraph (a), before the word "district" , there shall be inserted the word " non-metropolitan" ;
 - (ii) in paragraph (c) for the words " or the Greater London Council" there shall be substituted the words " , metropolitan district council or London borough council or the Common Council" .
- 39 In section 285—
- (a) in subsection (1) for the words from " either " to " are " in the first place where it occurs there shall be substituted the words " the Minister of Transport, after consultation with the highway authority, is" , and in paragraph (b) of that subsection for the word "are" in both places where it occurs there shall be substituted the word " is" ;

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- (b) in subsection (4) for the words " or the Council execute or propose" there shall be substituted the words " executes or proposes" ;
 - (c) in subsection (5) for the words "or the Council execute" there shall be substituted the word " executes" ; and
 - (d) in subsection (6) for the words "or the Council proceed" there shall be substituted the word " proceeds" .
- 40 In section 298(1), before the word "district" , there shall be inserted the word " non-metropolitan" .
- 41 In section 330(1), after the words "county council" in both places where they occur, there shall be inserted the words " or metropolitan district council" .
- 42 In paragraph 1 of Schedule 7, before the words "district council " , there shall be inserted the word " non-metropolitan" .
- 43 In paragraph 1(d) of Schedule 12 for the words from "road" to " is" there shall be substituted the words " road in a non-metropolitan district, to the district council, and if the highway is a classified road" .
- 44 In paragraph 1 of Schedule 23 for the words " they have " there shall be substituted the words " it has" .

PART II

AMENDMENTS OF OTHER ENACTMENTS

- 45 In section 26 of the Highways and Locomotives (Amendment) Act 1878 for the words from the beginning to " Greater London Council," there shall be substituted the words " The council of a county or metropolitan district may, with respect to all or any of the highways in that county or district, and" .
- 46 In section 35 of the Electricity (Supply) Act 1926—
- (a) in subsection (1) after the words " any county council" there shall be inserted the words " or metropolitan district council" ; and
 - (b) for the words " the county council" wherever they occur there shall be substituted the words " the council" .
- 47 In section 21 of the Public Health Act 1936, after the words " county council" in each place where they occur, there shall be inserted the words " , metropolitan district council or London borough council " and after subsection (4) of that section there shall be inserted—
- “(5) In this section references to a London borough council include references to the Common Council of the City of London.”
- 48 In sections 1(1) and 3(1) of the Agriculture (Improvement of Roads) Act 1955 for the words " county, in England or Wales " there shall be substituted the words " county or metropolitan district in England, or county in Wales" .
- 49 In section 5(1) of the Parish Councils Act 1957, in the second column of the Table, after the words " county council" , there shall be inserted the words " or metropolitan district council" .
- 50 In the Town and Country Planning Act 1971—
- (a) in section 209(2X£), after the words " county council there shall be inserted the words " , metropolitan district council" ;

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- (b) in section 216(4) for the words " the Greater London Council, the council of a " there shall be substituted the words " metropolitan district or" ; and
- (c) in Schedule 22, in paragraph 4, after the words " county council" , there shall be inserted the words " or metropolitan district council" .

51 In section 19(1) of the Land Compensation Act 1973—

- (a) at the end of paragraph (a) of the definition of " the appropriate highway authority " , there shall be inserted the words " or any other authority to which the functions of that authority in relation to that highway are transferred by virtue of the Local Government Act 1985" ; and
- (b) at the end of paragraph (b) of that definition, there shall be inserted the words " or any other authority to which the functions of that authority in relation to that highway are transferred by virtue of that Act" .

PART III

SUPPLEMENTARY PROVISIONS

52 Where by virtue of this Act the functions of a highway authority are transferred to other highway authorities any rights of the transferor authority under section 82(2) of the Public Health Act 1961 shall become rights of each of the transferee authorities affected by the local Act in question.

53 (1) All such highways or proposed highways as immediately before the abolition date are metropolitan roads shall on that date cease to be metropolitan roads but, subject to sub-paragraph (2) below, shall continue to be principal roads for the purposes of any enactment or instrument which refers to roads or highways classified by the Secretary of State or the Minister of Transport as principal roads.

(2) The Secretary of State may by order direct that a highway or proposed highway which immediately before the abolition date is a metropolitan road shall on that date become a trunk road.

54 (1) Where a bridge carries a highway for which the Secretary of State is not the highway authority and part of the bridge is situated in one metropolitan district and part in another in the same county, the highway authority for the highway carried by the bridge and the approaches to it is such one of the councils of those districts as may be agreed between them before such a day as the Secretary of State may by order appoint or, in default of such agreement, as may be determined by the Secretary of State.

(2) Where a bridge carries a highway to which this sub-paragraph applies and part of the bridge is situated in one London borough and part in another, the highway authority for the highway carried by the bridge and the approaches to it is such one of the councils of those boroughs as may be agreed between them before such a day as the Secretary of State may by order appoint or, in default of such agreement, as may be determined by the Secretary of State.

(3) Sub-paragraph (2) above applies to a highway which—

- (a) immediately before the abolition date is a metropolitan road; and
- (b) does not on that date become a trunk road by virtue of an order under paragraph 53(2) above.

(4) Where the Secretary of State has made a determination under sub-paragraph (1) or (2) above, the determination—

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- (a) may be varied at the request of either of the councils concerned; and
- (b) shall be varied to give effect to any request made jointly to the Secretary of State by both those councils;

and any such variation shall take effect on the 1st April falling not less than 3 months, and not more than 15 months, after the date on which the determination is varied.

- (5) In sub-paragraph (2) above references to a London borough include references to the City and references to the council of a London borough include references to the Common Council; and in sub-paragraph (4) above references to councils shall be construed accordingly.
 - (6) Without prejudice to section 3(3) of the Highways Act 1980, where a bridge carries a highway for which the Secretary of State is not the highway authority and sub-paragraphs (1) and (2) above do not apply, but some part of one or more of the approaches to the bridge lies in a metropolitan district or London borough different from that in which the bridge itself is situated, the highway authority for the whole of that approach or those approaches is the council of the metropolitan district or London borough in which the bridge is situated.
 - (7) For the purposes of this paragraph, the approaches to a bridge consist of so much of the highway or highways on either side of the bridge as is situated within 100 yards of either end of the bridge.
- 55 In the foregoing provisions of this Part of this Schedule "bridge" , "highway" , "proposed highway" and "trunk road" have the same meaning as in the Highways Act 1980 and " metropolitan road" has the meaning which, but for the provisions of this Act, it would continue to have in that Act
- 56 (1) Subject to the following provisions of this paragraph—
- (a) any agreement made between the Secretary of State or the Minister of Transport and a metropolitan county council under subsection (1) or (5) of section 6 of the Highways Act 1980, and
 - (b) any arrangements made by a metropolitan county council with a district council under subsection (6) of that section,
- shall, if subsisting immediately before the abolition date, cease to have effect on that date; and where any such agreement ceases to have effect under this sub-paragraph anything done before the abolition date by or in relation to the metropolitan county council in respect of the agreement shall have effect as if done by or in relation to the Secretary of State.
- (2) Subject to sub-paragraph (4) below, the Secretary of State may by order provide that any such agreement specified in the order shall have effect as from the abolition date as an agreement between the Secretary of State and a metropolitan district council or non-metropolitan county council specified in the order (a " successor council") or as two or more separate agreements, each being between the Secretary of State and a successor council.
 - (3) An order under this paragraph in respect of an agreement may-
 - (a) provide that anything done by or in relation to the metropolitan county council in respect of the agreement shall have effect as if done by or in relation to any successor council or councils;
 - (b) modify or exclude any term of the agreement in relation to any successor council or councils;

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- (c) make provision in respect of any arrangements made by the metropolitan county council under section 6(6) of the said Act of 1980 in relation to the agreement;
 - (d) include such other incidental, consequential, transitional or supplementary provision as appears to the Secretary of State to be necessary or expedient.
- (4) All rights of a metropolitan county council arising from or in connection with any such agreement as is mentioned in sub-paragraph (1) above to receive payments from the Secretary of State and all liabilities of such a council arising as aforesaid to make payments to him (being rights and liabilities attributable to anything done or omitted under or in respect of any such agreement before the abolition date) shall be transferred on that date to the appropriate residuary body; and accordingly as from that date any such agreement shall have effect as respects such rights and liabilities as an agreement between the Secretary of State and the appropriate residuary body.
- 57 The Secretary of State may by order provide that any agreement specified in the order and made before the abolition date between him and a metropolitan county council in pursuance of regulation 14 of the Noise Insulation Regulations 1975 (local authorities as agents of highway authorities) shall cease to have effect on that date.